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THE
ENGLISHMAN'S BURD
OF NATIONAL BURD



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THE ENGLISHMAN'S BRIEF
ON BEHALF OF HIS NATIONAL CHURCH.

THE
ENGLISHMAN'S BRIEF

ON BEHALF OF

His National Church.



LONDON:
W. WELLS GARDNER,
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1879.

ERRATA.

Page 23, in note, for "Lights" read "Rights."

„ 70, 2nd paragraph, before "Somerset House" insert "the Non-Parochial Register Office."

„ „ 4th paragraph, for "chap. 36" read "chap. 81."

„ 71, 1st line, read "6th and 7th," instead of "6th and 9th."

„ „ 6th line, after the word "present," read "or his deputy."

„ „ last paragraph, 2nd line, instead of "chaps. 26 and 28," read "chap. 26."

„ 105, in note, for "page 76" read "page 36."

NOTE.—The Author is informed by one whose special knowledge and experience eminently qualify him to form a correct judgment on the subject, and to whom he is indebted for many useful suggestions in the preparation of this Brief, that the first two paragraphs in Chapter LV. represent the terms of disendowment as more favourable to the Irish Church than they really were. In any subsequent edition these passages will be re-cast.

INTRODUCTION.

THE following pages have been written at the suggestion of the Author's Churchwardens, and some members of his congregation, and at the request of others interested in Ecclesiastical subjects, who have felt the want of some such book, that would in small compass, comprehensively set forth, and plainly deal with the various questions involved in, and arising out of, the consideration of the Church of England in her threefold aspect as a *National, Established, and Endowed Church*.

In the face of much prevalent misunderstanding, as well as wide-spread misrepresentation, on these subjects, it has been thought that a plain outlined statement, such as the Author has endeavoured to give in the following pages, may prove useful to many—whether friends or opponents of the Church—in removing wrong impressions, imparting correct ideas, and in furnishing those with material for Church Defence, who may be disposed, whether in conversation, through the press, or on the platform, to advocate the cause of the Church, as occasion may arise, in these days when the attacks made upon her are so numerous and persistent.

As in ancient times, the tendency to encroach upon the rights and privileges of the Church, and to lay violent hands upon her property, called into existence certain advowees or advocates, sometimes called Defenders,* whose duty it was to plead her cause, and to defend her privileges and endowments; so it seems as if the numerous attacks upon the Church in these modern times, have rendered it necessary that all her true members should, in their place and position, according to the best of their ability, act as Church Advocates, and be ready not only simply and plainly to state the case on behalf of the Church, but also to correct the misstatements, and refute the fallacious arguments, which are so constantly set forth and so persistently repeated, to her great disadvantage, and in favour of her disestablishment and disendowment.

But as there are many who, having the will, have not the resources at their disposal to do this, the writer has ventured to think, that the *notes* in reply to the questions contained in the following pages, may serve as a suggestive outline to those who stand in need of such help; and therefore he has ventured to give them the title of "The Englishman's Brief on behalf of his National Church;" which Brief may be added to and elaborated, as occasion may require, according as they who may be led to use it may think fit.

* See Articles on "Advocate" and "Defender," *Chambers' Encyclopedia*, Fifth Edition, 1761.

Amongst the points to which the Author has endeavoured to give special prominence are :—

(a) That it does not appear from the New Testament record that the union between Church and State is contrary to the teaching of Christ or His Apostles.

(b) That the union between Church and State is not the result of a deliberately formulated theory, but is the outcome of their gradual mutual growth, and inter-dependence during the long course of centuries.

(c) That this being so, the Church from the earliest period of Christian history in this country, established herself, and was never established by Act of Parliament, nor by any earthly power whatever.

(d) That her Endowments were never in whole or in part derived from the State, but were of private origin—the free gifts of her individual members.

(e) That as such they are *not National*, but Corporate property, vested in thousands of separate Corporations, for the spiritual benefit of the populations of dioceses and parishes, and as such cannot in justice be dealt with by the State otherwise than it deals with the property of other Corporations in the country.

In preparing this Brief, it has been very far from the Author's

intention to write in a controversial spirit, or to make any attack on any religious body outside the Church of England, or to say a single discourteous word of, or impute other than religious motives to, those who may, from their Ecclesiastical standpoint, regard it as much their conscientious duty to attack the Church, as the writer has felt it to be his conscientious duty, in response to the call made upon him, to try and contribute to her defence. He has however found it to be impossible fully and satisfactorily to answer many of the questions in the Brief, without referring at considerable length to the state of things which exists in some unestablished and unendowed religious bodies outside the Church of England.

To those who are engaged in efforts, the professed object of which is, by disestablishment and disendowment, to liberate the Church of England from State interference and control, the Author has endeavoured to point out :—

(a) That the carrying out of such a scheme is impossible, and that all unestablished and unendowed religious bodies outside the Church of England are and must be, alike with her, subject to the supremacy of the State, both in its Parliament and Law Courts.

(b) That with reference to their external affairs, such religious bodies are, by various Acts of Parliament, State-recognized, State-privileged, State-protected, and State-controlled.

(c) That with reference to the various provisions of their Trust Deeds, in which their doctrines and religious observances are set forth, and by which they hold their property, they can no more alter them without the authority of Parliament, than Churchmen can alter the contents of the Book of Common Prayer without the sanction of the same authority.

(d) That in all their internal affairs, in matters of doctrine, religious observances, and cases of discipline, they are amenable to the supervision, and entirely subject to the decisions, of the State Law Courts; and that from this position it is impossible for any unestablished and unendowed religious body to get free so long as it holds Trust property.

Those who so strenuously urge upon Churchmen the great advantages to be derived from disestablishment and disendowment, ought to be able to supply Churchmen with satisfactory proof of these alleged advantages, before asking them to take a leap in the dark; and in seeking such proof the natural questions which fairly suggest themselves are—What is the existing state of things in unendowed and unestablished religious bodies outside the Church of England? and further is it such as to encourage Englishmen in making a move towards disestablishment and disendowment?

In attempting to furnish adequate replies to these questions, the Author has availed himself of the experience of such writers and speakers as know most, and are best competent to form a judgment, on these subjects.

He has not called as a witness any but official or semi-official speakers or writers, speaking or writing in an official or semi-official character, at their formal assemblies, and on behalf of the religious bodies which they represent; and he has made no quotation except from official documents, embodied in the authorized reports of the proceedings of these assemblies.

From these various testimonies it will be seen that the state of things in unestablished and unendowed religious bodies is neither attractive nor encouraging; and that it is not calculated to inspire Churchmen with any desire to give up their present real advantages for those which are alleged to be consequent on disestablishment and disendowment, attended as they are with so many serious drawbacks.

From these testimonies, moreover, Churchmen who may feel dissatisfied with existing defects and abuses within the Church, will see that it is an illusion and delusion to seek for their remedy in disestablishment and disendowment; and that the wise and effectual policy is to get rid of these defects and abuses by timely and well considered reforms, and to endeavour by earnest and united efforts, to bring about such a measure of re-adjustment as may be necessary and expedient, in the present relations between Church and State, and as will contribute to the preservation of the Church of England, as the great Historical and National Church of this country for ages to come.

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THE ENGLISHMAN'S BRIEF ON BEHALF OF HIS NATIONAL CHURCH.

I.

In what sense is the Church of England the National, Established, Endowed, Historical, and Mother Church of England?

THE Church of England is called National, forasmuch as she comprehends within her communion, the great majority of the people of this country.

She is rightly spoken of as Established, because ages ago she firmly fixed and founded herself in this land; she is ratified and confirmed in her position by the State; is recognised by it as the authorized exponent of the Christian religion to the people of this kingdom; and is also the chosen medium through which the Sovereign and the representatives of the State perform all public religious acts.

By the word Endowed, it is not meant that the monetary wants of the Church were so amply provided for in the past as to render her entirely independent of the voluntary contributions of her members in the present day, in efficiently carrying on her numerous works of religion, charity, and philanthropy; but simply that the liberality of her members in the past has provided the endowments of the present; just as the munificent voluntary gifts of the present will result in the endowments of the future.

The history of the Church of England is co-extensive with that of the nation of England, through all the phases of its development, from its infancy to its manhood. It ranges over a period in which Briton, Saxon, Dane and Norman ruled

in this country. The Church of England is the oldest institution in the realm. She had a history long before the British Crown was settled, before the basis of the British Constitution was formulated, and before the British Parliament had an existence.

The Historical Church of England, whether independent of Rome or under the influence of Rome, was for successive centuries the only representative of the Christian religion in this land; and was the only existing medium and organisation through which the people of this realm for ages expressed their public and private religious life. She may therefore be correctly called the Historical Church of this country.

By the designation Mother Church, as applied to the Church of England, we simply mean this: that to the people of this kingdom who acknowledge and receive Christianity, whether inside or outside her communion, the Church of England must be their Mother Church. She only, as we have already said, was for hundreds of years the sole representative and exponent of Christianity to the people of this land; and all who profess themselves Christians in this kingdom, are or have been in her communion, or are the descendants of forefathers who lived, worshipped, and died in her fellowship; so that she may well be called the Mother Church of the whole of the English people.

II.

How did the Union of the Church with the State first come about?

By the most natural process possible,—on the principle that you cannot easily separate the personal sympathies and views of individuals from the office which they hold, nor exclude the personal sympathies and views of any number of men from any corporate official position which they may happen to occupy.

In early times, men felt the importance of carrying their religion not only into their personal business or professional

transactions, but also into their civil and political offices and positions.

Primitive Christianity permeated life in every department. Kings who received it were Christians, not only as private individuals, but also as Kings. Rulers, Governors and Magistrates were Christians as much in their public as in their private affairs. Nobody thought of divesting himself of his personal religion when acting in his public and official capacity; so that when Christianity had permeated a State, and had gained over or converted a State and its Rulers, that State became Christian; and the rulers and the subjects being members of the Church, the Church and the State became not only closely united but almost identical.

III.

Is the Union of the Church with the State in itself, contrary to the spirit and teaching of Christianity, as set forth by Christ and His Apostles?

We are unable to see anything in the distinctive teaching of Christ or His Apostles which would justify any such conclusion. In the Gospel of Christ, as simply preached by Himself, or further explained in the writings of the Apostles, we find no expression of aversion to States and Governments. We find every respect shown to them, and all honour and obedience prescribed as their due.

Throughout the New Testament we find no statements to the effect that union between the Church and the State, or between the Spiritual and Civil powers, is wrong. We find no warnings against such a thing on the grounds of its being inexpedient or anticipative of the evils that might possibly spring out of it. We find that Christ in His days, and the Apostles in their days, chiefly concerned themselves with setting forth the Gospel of the kingdom of God, with the special object of changing men's hearts and lives from the world to God; seeking to give men

a new idea of God, of their relationship to Him, of the love He had for them, of the misery of their condition without Him, and of the salvation and the glorious destiny which He had provided and reserved for them, leaving them, when they had accepted the Gospel, were incorporated into the great Christian Society, were permeated by its influence, actuated by its motives, and inspired by its hopes, to work out for themselves the problems of social and political institutions, different forms of government, and the relationship of the Church to them.

We find no preferences expressed for Empire, Monarchy, or Republic; no prescriptive details as to what course the Church should pursue in future times with reference to her relationship to them; but we do find constant exhortations to spirituality, unworldliness, and loyalty to Christ, with submission to the Powers that be as to those ordained of God.

IV.

**But is not the Church a purely Spiritual Body,
and as such why should she be united to the
State?**

While the Church is first of all a purely Spiritual body, of Divine institution, she is also from another stand point, as to property and many human rules and regulations, to be considered as a great civil corporation, comprehending within its limits numerous smaller corporations.

She thus owes a twofold allegiance; first to Christ, her Spiritual Head, and the laws of His kingdom, and secondly to the State or Civil power, under whose government she finds herself placed, and by which she is protected in the enjoyment of her property and privileges.

With regard to the Church as a great society, holding and administering property, and having much to do with temporal matters and worldly concerns, it is impossible that there should not be some kind of union between her and the State. Call that union what you like, "a definite arrangement as to the

limits of their respective prerogatives," "a contract," "an alliance," "an agreement," a "concordat," or "a tacit understanding," that union in some form or other is an absolute necessity, and cannot in the present state of earthly things be avoided.*

You may get rid of the name, but you cannot get rid of the thing itself. The Church as a Spiritual body, received neither directly from her great Founder, nor afterwards on the day of Pentecost, any powers to acquire, possess, hold or transmit property, nor even power to enforce compliance with her laws, independently of earthly jurisdiction.

If Barnabas, instead of selling his land in Cyprus and giving the proceeds to the Apostles, had sought to convey to them the land itself for their own use, or as an endowment for the infant Church, he would have had no power to transfer it to the Apostles, and they would have had no power to receive it except under the supervision and approval of the State.

When the Church gradually established herself in the days of Constantine, the State had but three possible courses to pursue towards her, namely, to maintain an attitude of hostility against her, to assume a position of independence of her, or to form a friendly alliance with her, the Church ministering to the State in spiritual things, and the State serving the Church in things temporal.

Persecution was tried toward the Church and it failed; independence of her as an increasing power in the world, whose members were everywhere, and whose influence was permeating and revolutionizing societies and kingdoms was impossible; for the mutual good and interests of the Church and the State therefore an alliance between them was necessitated; and so in Europe, in one form or other, the union between Church and State has existed, while providence has guided the course of

* The relationship of the Romish Church to the Italian State, and that of the Churches in Germany to the Empire, prove this. A "Free" (?) Church is not free from State interference and control.

events so that wherever the Church has been faithful to her trust, her purely spiritual functions have been respected by the Civil power.*

V.

The union between Church and State is not the result of a deliberately formulated theory, but is the natural outcome of historical growth.

"The government of England has ever been distinguished in civil matters, less by accuracy of adhesion to any dogmatic and determinate theory, than by the skilful use of natural influences, and a general healthiness of tone and harmony of operation, resulting from a happy and providential fusion of elements, rather than from deliberately advised intention. If this had been the case in civil matters; if our constitution, as viewed by the crude speculist, consist of a mass of anomalies, threatening perpetual contradiction and collision; if it has wrought rather by provision for the avoidance of such evils than for their subsequent remedy; so also it has been with the Church, whose relations with the State had for many years proceeded rather upon a mutually friendly understanding, than upon precise definitions of rights; and therefore we cannot expect to exhibit a theory which will bear throughout a critical analysis, in this more than in any other department of our national government." Chap. iv., sec. 15, 3rd edition.—*The State in its relations with the Church*.—W. E. GLADSTONE. London: Murray, 1839. See also *British Critic and Theological Review*, vol. 26, page 364, &c.

VI.

The grandeur of the idea embodied in the union of Church and State.

"Habituated to the false or secondary conceptions which arise out of our inveterate political sectarianism, we are very apt to look upon the State in an irreverent or careless temper, and to forget that next to the Church it exhibits the grandest of all combinations of human beings. It is a venerable idea, in which the supremacy of law as opposed to mere will is asserted, by which the sociality and inter-dependence of our nature are proclaimed, and the best acts and thoughts are arrested and perpetuated in institutions, and a collective wisdom is made available for individuals, and the individual is humbled and disciplined by being kept in qualified subordination to the mass. The adoption of a moral principle, or scheme, or institution by the

* See "The Church of the Age," pages 100, 101, 109.

State, is among the most solemn and the most pregnant of human acts; and although it cannot place what it adopts upon a ground higher than its own, any more than water can rise above its level, yet that ground is one of an order having more of natural justice, more of experimentally demonstrated permanence, more of divine authentication, than any other except the Church, which it feebly, though perceptibly, imitates; and certainly much more than that private will, which, sooner or later, learns to wanton in the whole spirit and practice of dissent, reversing every fundamental law of the universe, and asserting the isolation, and defying the arbitrary caprice of man."—Chap. iii., sec. 39.—*The State in its relations with the Church.*—W. E. GLADSTONE.

VII.

Comparative advantages of Union with the State, the real question for Legislators.

"The question with the legislator is, *not* whether the Church would do much good, though unconnected with the State, but whether by an alliance with it she cannot do more good; and the question with the Churchman is, whether for placing in abeyance some of its spiritual rights the Church does not receive compensation by the indirect influence it is enabled to exert. The Church may be less free, but is it not more efficient? The Church may be unduly controlled in the exercise of its authority over its own members, but does it not possess greater means of purifying society? And to purify society, to act as the salt of the earth, is one of the purposes for which the Church was instituted. It is not indeed as Churchmen, but as patriots, that we deprecate the desecration of the State; that is to say, we deprecate it for the sake, not of those that are within the pale, but of those that are without; we deprecate it, not because the Church would be a less efficient minister of grace to the faithful if, driven from her glorious Cathedrals, she summoned her children around her in the upper room of an hired house, or the caves of the desert, but because she would be a less effectual preacher of morality to the unenlightened and the unbeliever."—*Hook's Sermons.*

VIII.

The spiritualities of the Church are separate from and independent of union with the State, as much as those of any disestablished Church.

"The Church is *independent* of all human power, being totally distinct and deriving none of its authority from the kingdoms of this world. It is

an institution complete in all its internal regulations, subsisting and exercising its jurisdiction without the aid of secular power. This follows from its being a spiritual society, which as such cannot be dependent on worldly governments; and from its being founded by Christ, who is its only supreme governor and legislator. As a religious corporation it is not altered in its nature by the magistrate's admission into it or his patronage of it. His station gives him no additional powers in it, but he is, equally with other members, subject to the same conditions, and is under the same rules and orders of the society. The Christian Church owes its establishment to a divine origin, derives its laws from the same source, and aims alone at spiritual and heavenly objects; in every point of view, in short, it is a distinct society, separate from the State, and must in consequence be independent of it in regard of its holy offices, ministry, and spiritual jurisdiction."—*Holden on Church Establishments.*

IX.

By whom, when, and how was the Church of England Established?

The Church of England, though under another form, was established by the first Christian Missionaries who came to this country, probably in the first century. British churches existed long before S. Augustine came from Rome to England. The establishing of the Church of England was a gradual work, the growth of centuries.

The establishment of the Church took place in men's minds and hearts before she was publicly recognised or established as the Church of the country. Men received her privately before they acknowledged her publicly. When she established herself in the affections and convictions of the people, then, and not till then, did they accept her publicly as the Church of their choice and adoption. The Church of England in the earliest period of British history was established, not by the sword, compulsion, or coercion, but by the preaching of the Gospel, and the acceptable ministration of the means of grace to the inhabitants of this country. She was established just as the churches of Corinth, Galatia, Ephesus and Rome were established; not by human might, power, kingly decree, or legislative

enactment, but by evangelistic labours of faithful, earnest missionaries, blest and prospered of God in their work.

X.

But has not the Church of England been established by Act of Parliament, otherwise what means the current phrase which we so frequently hear "The Church of England by Law Established"?

The Church of England could not have been established by Act of Parliament, for she existed as the Established Church of the country hundreds of years before Parliament came into being. The phrase "*by law established*," is misleading when applied to the Church in the sense of her having been created or constituted by any human law whatsoever, whether promulgated by kingly decree or enacted by Act of Parliament—in no such sense, in any Church or State document where it appears, is it so used or so intended to be understood. When the Church of England is spoken of as "*by law established*," nothing more is to be understood, than that her Constitution, Doctrine, Liturgy, and various Offices having been drawn up and agreed to by her representatives, received the sanction of the State;* and that the observance of them is enforceable by law on those who are her ministers or members; further, that she is protected in the enjoyment of her rights, privileges, and endowments, by the law of the land; and that hers is the preferred and recognised ecclesiastical organization and form of worship through which the heads of the State perform all public religious acts.

You might as well say that the various bodies of Nonconformists were originally established by the Toleration Act, as to say that the Church of England was established by Act of Parliament.

The Nonconformists established themselves; they evinced strength in themselves, and it was the formidable numbers of

* "As this Church and Realm hath received the same" is the language of the Book of Common Prayer.—See Ordering of Priests.

their adherents, and the influence they acquired, which necessitated their recognition as religious bodies by the Toleration Act, which, for the first time, gave them liberty to worship God according to their conscientious convictions, outside the Communion of the Church of the England. This they could not have done but by the sanction of this Act without being subject to heavy pains and penalties. But who on account of this would say that such religious bodies exist or are established by virtue of the Act of Toleration?

In the same way the Trust Deeds which the religious bodies outside the Church draw up of their own accord for the legal possession and succession of their property, would be of no validity whatsoever without the authority and protection of the State; but who would say because of such religious bodies thus availing themselves of the protection of the State that the State gave them their property?

If in such Trust Deeds of Chapels, or property of any kind, there be a condition, freely agreed to at first, that the Chapel or other property shall be enjoyed only on condition of certain doctrines being preached, and certain religious ordinances being observed; the State will, when appealed to, by its Parliament or through its Law Courts, insist on the stipulated conditions being fulfilled on the part of those who enjoy the benefits of the property.

And if it be alleged by any person legally interested therein that there is a violation of the conditions of trust, as to doctrine, discipline, or any religious observance, the State will, through its Law Courts, examine the Trust Deeds, to decide what are and what are not the doctrines and observances that are binding on the holders of the property, and decide whether or not the conditions of the Trust have been violated; and it will, if need be, enforce their observance by ejecting from the benefits of the property those who refuse to conform themselves to the conditions of its tenure.

But, who would say because of all this, either that the State

of itself made the law of such a religious body or that it arbitrarily dictated to it in matters of religion?

And if any religious body wished to alter the terms and conditions of its Trust Deed, or wherein ambiguous to render it more definite,* even if that Trust Deed concerned the most purely religious matters, it could not do so without going to the State, through its Parliament, Law Courts, or Charity Commissioners, to obtain such alteration, and it would rest with the State to say whether, on cause being shown for or against the application, such alterations should or should not take place. But who on account of this would taunt such religious body with being bound hand and foot by the State? And yet this is just what many unenlightened people do with reference to the Church of England when she goes to the State to get an alteration of any of her Trust Deeds—namely, the laws or rubrics by which she is regulated and governed. The fact is there is no getting away from the State or its laws in matters of religion. Whether we are inside or outside the Church, the State will assert its supremacy in cases where it is necessary in interpreting and enforcing all legal documents; and therefore it is clear that there is a sense in which every religious body in England, in the enjoyment of its religious opinion and freedom of worship, holding property on Conditions of Trust, is as much established, protected and subject to the supervision of the State as is the Church of England. The question is one, not of difference in principle, but of the degree and extent of subjection to the State; and it is easy to see that the ancient, historical Church of the country, is more wrapped up and intertwined with ancient and modern law, than any religious body of modern origin outside her Communion. But the principle of subjection to the supremacy and supervision of the State is the same; the difference is as to the extent, and that is determined by time and inheritance. The title to a nobleman's estate, which has

* See Nonconformist Chapel Act, 1844, passed to shield Nonconformist ministers from the consequences of alleged violation of their Trust Deeds, in cases in which the doctrines and religious observances in dispute were not clearly set forth in such documents.

been subject to many changes and settlements, reaching back into the far past, is far more intricate than the title to a freehold piece of ground, which has no particular history; but the laws regulating and guaranteeing these titles are precisely the same. So is it with the laws regulating the affairs of the Church of England in comparison with those regulating religious bodies outside her communion.

XI.

But is not the present Church of England a different Church from that which existed in this country prior to the Reformation; and was she not (as she now is) established at the Reformation?

The present Church of England is, as regards identity, succession and continuity, the same Church which existed in this kingdom for ages prior to the Reformation, though under different circumstances. Her identity as such is no more affected by the changes through which she has passed, and the reforms of which she has been the subject, than the identity of the British Crown, or the identity of Parliament is affected by the changes, modifications, and reforms of which they have been the subject during the course of some hundreds of years.

As for the State establishing the Church at the time of the Reformation, the idea is utterly preposterous. The State, prior to the Reformation, found the Church only too strongly and firmly established for the safety of its own interests, the preservation of its own civil rights and prerogatives, and the exercise of its proper jurisdiction.

The Church of England, in fact, while under the usurped dominion of Rome, gave its primary allegiance to the Pope, and at his dictation and instigation ignored the authority of the State in all ecclesiastical matters, claiming in and through its own courts to exercise jurisdiction over all ecclesiastical persons and causes, with an ultimate appeal to the Pope.

So that at the Reformation, while Papal jurisdiction was disestablished and the King's supremacy established in its stead, and while papal errors and abuses were swept away, the same anciently established Church of England remained, free from papal dominion and purged from papal error. She remained, in her Bishops and Clergy, the same Church, they holding their positions and exercising their offices as before the Reformation; established in the same Churches, the same parishes, and holding the same endowments so far as the Church had not been despoiled of them.

XII.

What then were some of the more important changes which took place in the Church of England at the Reformation?

As now contained in the present Book of Common Prayer, a revised order of formularies of worship was established, as well as revised forms and ceremonies for the due and reverent execution of the offices of the Church; but no *new* Church was established. Revised relationships between the Sovereign and the Church in the matter of Royal supremacy, and between the Church and Parliament were established, but no *new* Church was established. It was England's *old* Church that remained after the Reformation, as it had been before, but under new conditions of existence

XIII.

If the Church was not established by the State was she not at least indebted to it for her order, organization, and form of government?

Quite the contrary; the State in ages past learned its lessons from the Church, received its ideas of order from her, and gradually formed itself after her model.

No more impartial witness in proof of this could be produced than Mr J. R. Green, who in his "History of the English People," page 30, in speaking of the work accomplished by

Theodore, Archbishop of Canterbury, from the year 668 till 690, says:—

“In his work of organization, in his creation of parishes, in his arrangement of dioceses, and in the way in which he grouped them round the see of Canterbury, in his national synods and ecclesiastical canons, Theodore was unconsciously doing a political work. The old divisions of kingdoms and tribes about him, divisions which had sprung for the most part from mere accidents of the conquest, were fast breaking down.

“The smaller states were by this time practically absorbed by the three larger ones, and of these three Mercia and Wessex were compelled to bow to the overlordship of Northumbria. The tendency to national unity which was to characterize the new England had thus already declared itself; but the policy of Theodore clothed with a sacred form and surrounded with divine sanctions a unity which as yet rested on no basis but the sword. The single throne of the one Primate at Canterbury, accustomed men's minds to the thought of a single throne for their one temporal overlord at York, or, as in later days, at Lichfield or at Winchester. The regular subordination of priest to bishop, of bishop to primate, in the administration of the Church, supplied a mould on which the civil organization of the State quickly shaped itself. Above all, the councils gathered by Theodore were the first of all national gatherings for general legislation. It was at a much later time that the Wise Men of Wessex, or Northumbria, or Mercia, learned to come together in the Witenagemote of all England.* It was the ecclesiastical synods which by their example led the way to our national Parliaments, as it was the Canons enacted in such synods which led the way to a national system of law.”†

But it may be asked, if the State did not establish nor endow the Church, and if it did not order and organize her government, why should its interference be invoked to take away from her the position and property which she acquired for and of

* So that the State is indebted to the Church for its very idea of a Parliament.

† Ecclesiastical Canons led to the idea of Acts of Parliament.

herself, especially when invoked by Nonconformists who protest against the interference of the State in religious matters? Why should the State pull down what it did not build up?

Why, indeed? This is just a specimen of the paradoxical inconsistency of those who cry out, "The State must not interfere in matters of religion," the practical meaning of which is, it may interfere as much as it likes in favour of themselves and against the Church to which they are opposed, but on no account as against them. They are quite willing on every occasion, as is proved by their zeal to obtain Acts of Parliament in their own favour, to use the powers of Parliament for building up themselves and pulling down the Church. In their case Parliament is all right when it strengthens their cause and confers upon them perogatives and privileges, but it is all wrong when it is engaged in the work of helping to render efficient the Church of England as an Established and Endowed Church.

XIV.

In what sense are we to use the word Established, as applied to Nonconformist bodies?

Holden, in his work on Church Establishments, well says—
 "Wherever Christianity is nationally professed religious societies will arise, and in process of time they naturally and necessarily *establish* themselves; nor is it in the power of the *civil magistrate to prevent* it, even where he disapproves of their formation, without a total destruction of that liberty of conscience which all have an indefeasible right to enjoy. It is trifling to dispute about a name; by whatever designation they may be called, they are *to a certain extent* religious establishments. Governments must *allow* them, and therefore it is an idle dispute whether they be or be not established by the country. A variety of sects have sprung up, and *established themselves*, have formed rules for their internal regulation, have raised funds for the support of their institutions; all which they will continue to do. Whether they can be legally said to be establishments or not, they are so to all intents and purposes."

XV.

What are the various sources of Revenues of the Church?

The sources of the revenues of the Church are cathedral and glebe lands, charges on lands, tithes, funded property, and in many cases, where there are no endowments, or in which the endowments are not sufficient, seat rents, voluntary subscriptions and free-will contributions at the weekly offertory.

XVI.

How did the Church become possessed of her Endowments?

Simply in this way—when the Christian missionaries first came to this country and made converts to Christianity, it was very natural that they who espoused the cause of the Gospel of Christ, at the risk of their liberty and even of their lives, should not hesitate to give of their goods and possessions for the furtherance of that Gospel which they valued so much; a Gospel which had brought such peace to their minds, and such joy and hope to their hearts; and it was perfectly in accordance with the reasonableness of things that they should endeavour to make provision for the support of those missionaries who had brought such joyful news to them, and who were engaged in the good work amidst privation, suffering, danger, and even at the risk of life itself, in carrying the good news to others. Hence they would offer to them hospitality, while within their reach, and would support them with their free-will offerings when sent into the surrounding country on their missionary tours. And when, through the growing success of the new religion, adherents to it became so numerous, and their influence in a locality so great as to necessitate their meeting together in one place for the public worship of God, it would have been strange indeed if their liberality had not taken the form of providing for the expenses incidental to public worship; and the maintenance of the missionary or minister attached to the upper room or rude

building, which was to be in future the centre of Evangelism in the surrounding country.

All this was to be expected; it was the natural order of things, and it was what actually took place.

When a king or prince was converted to Christianity he had his chapel built, and his travelling missionary or located priest attached to it, who at first would be provided for by the hospitality of his patron, and afterwards would be independently provided for by being invested with certain privileges, prerogatives, and certain grants of land, with the offerings of the faithful, for the support of the chapel, the maintenance of the clergy or missionaries, and the relief of the poorer members of the infant Christian community.

And as the ancient nobility and landowners would espouse the new religion, it was in accordance with the order of things that they should follow the example set them by their kings or princes, and that as feudal chiefs they would build their rude chapels, and have their own priests and services for themselves as well as their dependants and followers. Hence, on all sides, there were numerous grants of lands and of money, besides alms and special offerings, for the support of religion; until, by the donations and bequests of the faithful, and the growing increase of the value of lands and money, the Church in the course of centuries, by her stored up gifts, found herself possessed of great wealth.

XVII.

Origin and Sources of Church Property, and the Parochial System.

"Donations of land were continually made to the bishops, and in still more ample proportions, to the monastic foundations. These had not been very numerous in the West till the beginning of the sixth century, when Benedict established his celebrated rule. . . . The ecclesiastical hierarchy never received any territorial endowment by law, either under the Roman empire or the kingdoms erected upon its ruins. But the voluntary munificence of princes as well as their subjects, amply supplied the place of more universal

provision. Large private estates, or as they were termed, *patrimonia*, not only within their own dioceses but sometimes in distant countries, sustained the dignities of the principal sees.

"Many Churches possessed seven or eight thousand mansi, one with but two thousand passed for only indifferently rich. But it must be remarked that many of these donations were of lands uncultivated and unappropriated. The monasteries acquired legitimate riches by the culture of these deserted tracts, and by the prudent management of their revenues, which were less exposed to the ordinary means of dissipation than those of the laity. Their wealth continually accumulated, enabled them to become the regular purchasers of landed estates, especially in the time of the crusades, when the fiefs of the nobility were constantly in the market for sale or mortgage. Some gave their property to the Church before entering on military expeditions; gifts were made by some to take effect after their lives, and bequests by many in the terrors of dissolution."—*Hallam's Middle Ages*, page 332-3.

"The first Christian missionaries, strangers in a heathen land, attached themselves necessarily to the courts of kings, who were their first converts, and whose conversion was generally followed by that of their people. The English bishops were thus at first royal chaplains, and their diocese was naturally nothing but the kingdom.

"The missionaries became settled clergy; the holding of the English noble or landowner became the parish, and his chaplain the parish priest, as the king's chaplain had become the bishop, and the kingdom his diocese. A source of permanent endowment for the Clergy was found at a later time in the revival of the Jewish system of tithes, and in the annual gift to Church purposes of one-tenth the produce of the soil."—*Green's History of the English People*, page 29-30.

"Parochial divisions, as they now exist, did not take place, at least in some countries, till several centuries after the Establishment of Christianity. The rural Churches erected successively as the necessities of a congregation required, or the piety of a landlord suggested, were in fact a sort of chapels dependent on the Cathedral, and served by itinerant ministers at the Bishop's discretion. The Bishop himself received the tithes and apportioned them as he thought fit.

"Some of the rural Churches obtained by Episcopal concessions the privileges of baptism and burial, which were accompanied with a fixed share of tithes, and seem to imply a resident minister.

"The same privileges were gradually extended to the rest, and thus a complete parochial system was finally established."—*Hallam's Middle Ages*, page 334.

XVIII.

The story of the rise and growth of the Church and the increase of her endowments.

“We must endeavour to carry our thoughts back to those days when Christian Churches were first planted in a land emerging from heathenism. In those times then, be it remembered, the bishop and his clergy together may be considered as taking up a sort of missionary position in a district from which the clergy issued forth to spread the knowledge and the power of the Christian faith. On this spot they all lived together. There existed then no parochial Churches. The clergy in their turns, went out on their charitable and pious expeditions, from which they returned to their only home, the common residence of the prelate and his presbyters.

At that period, moreover, the only maintenance of these teachers was derived from the pious liberality of their converts, who made offerings for this purpose of every species of property, and in the time of harvest contributed a portion of their produce—usually a tenth. Of the funds thus voluntarily contributed the bishop was naturally the distributor, and to what purposes could he apply these resources but to the support of himself and his ministers, the upholding the places of worship, and the relief of the infirm and helpless members of the household of faith?

This simple condition of things, however, was not to continue for ever. In process of time parochial Churches were built, and upon an understanding with the bishops, were permanently endowed with that tenth of the agricultural produce which otherwise would have been rendered to the common fund, and in many cases a certain portion of land was added to the endowment. The clergy then, instead of the itinerant and missionary character which belonged to them at the first planting of Christianity, began to assume the character of local and stationary ministers; a change which inevitably put an end to the adjustment which regulated the assumption of the original

and common fund. The clergy from that time lived on the local endowments of their respective Churches; the poor were relieved out of the charitable offerings of the congregations; and the repair of the fabric was probably divided between the patron and the incumbent; the bishop, all this while, being maintained by revenues specially appropriated to his see, by the bounty of kings and nobles and other proprietors of the land. And the consequence of this gradual change was that the bishop, the clergy, the fabric, and the helpless poor, had each of them a distinct and appropriate fund for their support.”*

XIX.

The Church endowed by Private Individuals and not by the State.

MR TOULMIN SMITH, a learned Nonconformist Barrister, in his evidence given before a Select Committee of the House of Lords, Feb. 16th, 1860, says —“I find by many of the old records that it is clear that the whole of the present endowments were in the first place voluntary endowments.

“I can show that the endowments on which the Church subsists were endowments given by private individuals for the specific maintenance of a Church for the people, ‘as well as in fees, lands, rents, or in advowsons which do extend to a great value, were assigned by the said founders to the Prelates of the Holy Church of the said Realm to sustain the same.’ Further, a petition presented by the Commons to King Edward the Third, 1376, is expressed in the following words: ‘That he the King will please to consider and bethink him how that his progenitors the noble kings of England and other nobles of the land, with the aid and devotion of Christian people, and by the said noblemen and their ancestors did endow the Church of England;’ showing that it was distinctly recognized in those early times of the Church’s history that these were foundations which grew from the private gifts of individuals.”

“Nearly fifty years later I find another record. I refer to the 25th of Edward the Third, 1350. This record runs thus: ‘Whereas the Holy Church of England was founded in a state of prelacy within the Realm of England by the king’s said grandfather and his progenitors, and the earls, barons and other nobles of his said Realm and their ancestors to inform them and their people of the law of God and certain possessions. . . .’

“Further, I will refer,” says Mr. Toulmin Smith, “to the statute of

* See Article on Dr Dealtry’s *The Church and its Endowments*;—British Critic, vol. 11, 1832.

Carlisle, which was passed in the 35th year of Edward the First, 1306. That statute begins in the following words: 'Of late it came to the knowledge of our Lord the King by the grievous complaint of the honorable persons, lords and other noblemen of this Realm, that whereas monasteries, priories and other religious houses were founded to the honour and glory of God, and the advancement of the Holy Church, by the King and his progenitors, and by the said noblemen and their ancestors, who in former time built Churches in England.' "Then, through great devotion at different times, and in course of time there were given to the said Churches, such rents, lands and great possessions, with divers franchises and all the temporalities that belong to them."*

"Those very men who, in the hour of sickness and impending death, showered the gifts of expiatory devotion upon her altars, had passed the sunshine of their lives in sacrilegious plunder. In every country we find continual lamentation over the plunder of ecclesiastical possessions."—*Hallam's Middle Ages*, page 335.

XX.

Spoliation and not Endowment has been the characteristic of the civil power.

"The parochial tithes, especially as the hand of robbery falls heaviest upon the weak, were exposed to unlawful seizure. In the tenth and eleventh centuries nothing was more common than to see the revenues or benefices in the hands of lay impropiators, who employed curates at the cheapest rate."—*Hallam's Middle Ages*, page 336.

XXI.

What the Church of England would have been as to property had it not been for spoliation.

"If it had not been for these drawbacks, the clergy must, one would imagine, have almost acquired the exclusive property of the soil. They did enjoy nearly one-half of England, and I believe a greater proportion in some countries of Europe."—*Hallam's History of Middle Ages*, page 336.

* These extracts from ancient documents show that the property of the Church was in those early days of English history regarded as of private origin.

See also *British Critic*, vol. 27, page 228: "We have given to God both for us and our heirs for ever," is the language of many of the old Deeds of Endowments.

XXII.

Endowments of the Church now in possession of many of the nobility.

"Those families indeed, within or without the bounds of the peerage, which are now deemed the most considerable, will be found, with no great number of exceptions, to have first become conspicuous under the Tudor line of kings, and if we could trace the titles of their estates to have acquired no small portion of them, mediately or immediately, from monastic or other ecclesiastical foundations."—*Hallam's Constitutional History of England*, page 69.

XXIII.

But what is the origin of tithes in this country, when were they first paid, and how came they to be a legal charge enforceable by law?

The origin of tithes in this country goes so far back in our national history, that neither their actual origin nor the time when they were first paid can be accurately ascertained. The payment of tithes for the support of some form of religion is the most ancient customary payment known in the history of the world.

The ancient Egyptians paid tithes; Abraham paid tithes to Melchisedek, the Priest of the most High God; Jacob gave to the cause of God a tenth of all he possessed. When the payment of tithes was rendered compulsory by the Divine law, under the Levitical Dispensation, that only was embodied and enforced by that law which had been in existence and carried out in some form or other, so far as we know, in the history of almost every people. Nearly all ancient nations, as well as the rude and uncivilized tribes, who professed any form of religion, paid tithes or something answering thereto for its support. So that when Jews and heathen became Christians, throwing off ~~their old religion~~ and adopting the new religion of Christianity, they never dreamt of being less liberal to that form of religion which they ~~loved the more~~ and had adopted, than they had

been toward that which they had loved the less and had discarded. Hence the transfer of tithes from the old religion which they had discarded, to the new religion which they had so earnestly and enthusiastically adopted, was in perfect accordance with the order of things, and was to have been expected. And this was what actually took place, so that in addition to grants and bequests of land, alms for the poor and offerings in acknowledgment of special religious services and ceremonies performed by the clergy, there sprung up the custom of the voluntary payment of tithes on the produce of the land, the payment of which few thought of evading, and which from immemorial custom ultimately became a legal payment, enforceable by law.*

XXIV.

How tithes came to be paid and how the Church and her parochial system expanded and grew.

"As an additional source of revenue and imitation of the Jewish law, the payment of tithes was recommended or enjoined. These, however, were not applicable at first to the maintenance of a resident clergy. Parochial divisions as they now exist, did not take place, at least in some countries, till several centuries after the establishment of Christianity. The rural churches erected successively as the necessities of a congregation required or the piety of a landlord suggested, were in fact a sort of chapels dependent on the cathedral and served by itinerant ministers at the bishop's discretion. 'The bishop himself received the tithes and apportioned them as he thought fit.' Some of the rural churches obtained by episcopal concessions the privileges of baptism and burial, which were accompanied with a fixed share of tithes, and seem to imply the residence of a minister. The same privileges were gradually extended to the rest, and thus a complete parochial division was finally established; but this was hardly the case in England till near the time of the Conquest."—*Hallow's Middle Ages*, page 334.

* By the 2nd and 3rd of Edward the Sixth, chap. 13, for the encouragement of agriculture, it was declared that heath or waste land converted into arable or meadow should be free from tithes for the first seven years. See also *Duties and Rights of Clergy*, page 211.—1707.

XXV.

Is it possible that tithes were not, as is commonly alleged, created by Act of Parliament, or by some authority in the State answering thereto?

Tithes were not created by Act of Parliament. They were payable and were paid to the Church long before Parliament existed or before anything answering to its constitution was even in embryotic being. The payment of tithes is of more ancient date than the Crown of England, the Constitution of England, or the Parliament of England.

No State document, however ancient, can be produced, which being put into Court as evidence, could prove that the State or Realm of England created the tithes.

XXVI.

When was the payment of tithes first enjoined by Royal decree?

"We find the payment of tithes enjoined by the canons of a provincial council in France near the end of the sixth century. From the ninth to the end of the twelfth or even later, it is continually enforced by similar authority. . . . Charlemagne was the first who gave the confirmation of a civil statute to these ecclesiastical injunctions, no one at least has, so far as I know, adduced any earlier *law* for the payment of tithes than one of his capitularies. But it would be precipitate to infer, either that the practice had not already gained ground to a considerable extent, through the ecclesiastical authority, or on the other hand that it became universal in consequence of the commands of Charlemagne. In the subsequent ages it was very common to appropriate tithes which had originally been payable to the bishop, either towards the support of particular churches, or according to the prevalent superstition, to monastic foundations."—*Hallam's Middle Ages*, page 335.

XXVII.

Amidst all changes and revolutions in Church and State the sacredness and inviolability of parochial tithes, not unappropriated or annexed to monasteries, &c., have been respected by the State.

“Numerous indeed have been the alterations which our Church establishment has undergone within the last three hundred years, but in *none* of those alterations has anything been attempted at all *resembling* the designs which are contemplated. When monasteries were abolished in the time of Henry VIII., the revenues of the parochial clergy were left untouched. The Reformation produced a change in the *ministers* of religion, but the revenues themselves were preserved; the tithes which had been paid to the Roman Catholic clergy being continued to the Protestant clergy. Even at that tremendous crisis, when King, Lords and Commons were involved in one common destruction, no one even proposed the forfeiture of the tithes, which were paid to the parochial clergy. A change indeed was made in the *ministers* of religion, all those being ejected who refused to abandon the Liturgy, which was an object of peculiar dislike to the Calvinists, who were then become the ruling party. But tithes continued to be paid as before, though to clergy of a different description. Nor was the payment of them affected by the transfer of power from the Presbyterians to the Independents. The Restoration produced again a change of ecclesiastical ministers, but those ministers again received the tithes which they had received before. It appears then that from the first endowment of benefices in England and Wales to the present time, a period of eight or nine hundred years, the parochial clergy have uninterruptedly received their tithes without molestation or complaint. Surely this is worthy the attention of those who now for the *first* time propose to apply the revenues of the parochial clergy to a different purpose from that for which they were originally given.”—*Bishop of Durham's Charge*, 1831.

XXVIII.

Has not the law of England dealt with the subject of tithes, saying what land shall be titheable, enforcing their payment, and commutating them for a certain money value?

Certainly; but Parliament has not created tithes, but only taken a legal cognisance of a custom which has from time immemorial existed.

The ancient custom of England being, that tithes should be paid on the produce of land, when waste land has been brought under cultivation and the owners have sought to evade the payment, the State, by enactment or otherwise, has enforced the payment of that due to the Church, as it would enforce the payment of any other immemorial customary due or payment. Further, when by the passing of the Tithe Commutation Act, Parliament changed payment of tithes in kind into a certain money payment, it did not pretend to create tithes or to give any new title to them, but simply, for the sake of the tithe-payer and the tithe receiver, and with their consent, made an arrangement by which tithes should be commuted on a certain basis of calculation, and that henceforth payment should be in money instead of in kind.*

XXIX.

The object of the Ecclesiastical Commission in dealing with the Church in the present day is to improve and fairly redistribute the Church revenues, and not alienate or confiscate them.

"I have appointed a Commission for considering the state of the several dioceses in England and Wales, with reference to the amount of their revenues and to the more equal distribution of episcopal duties; the state of the several cathedral and collegiate churches, with a view to the suggestion of such measures as may render them most conducive to the efficiency of the Established Church; and for devising the best mode of providing for the cure of souls with reference to the residence of the clergy or their respective benefices. The especial object which I have in view in the appointment of this Commission is to extend more widely the means of religious worship, according to the doctrines of the Established Church, and to confirm its hold upon the veneration and affections of my people."—*King's Speech at the opening of Parliament after the Institution of the Ecclesiastical Commission, 1837.*

XXX.

Is not the payment of tithes, after all, a Government or State tax?

Certainly not. How could it be so? As we have already stated, Parliament never created tithes, and it does not impose,

* See "Tithe Commutation Act," 6 and 7 Will. 4, cap. 71.

collect them, nor pay for their collection. It only supervises and regulates them, in the same way that it does with reference to the income of any existing trust created for any purpose whatsoever, but not to the same extent.* The mission and action of Parliament are confined to the solving of any difficulties that may arise between the payers of tithes and the receivers; and probably if any new difficulty of importance should arise in the future between these classes, Parliament will deal with it as it has done in the past, but that will not prove that Parliament has created tithes, has given a title to them, or that they are in any sense a Government tax, more than any ancient customary payment or due, of a charitable or purely secular character.

XXXI.

Is it not hard on the cultivators of land that they should have to pay tithes on its produce?

There is really no hardship in the matter. If a person rents land which in every respect is tithe-free, he pays so much more rent for it; if it be subject to tithes he pays so much less. In any case he pays the same amount, whether it be to his landlord or to the rector or vicar of the parish in which he lives. The monetary value of land under cultivation is well known and closely calculated. It maintains its equilibrium in a wonderful way. It will always fetch its value, and whether a farmer pays more rent to the landlord in consequence of his farm being tithe-free, or whether he pays less rent—the landlord paying the balance to the incumbent in the shape of tithes—the payment of rental is pretty much the same.

XXXII.

Would those who cultivate the soil be any better off were tithes abolished?

“Whatever clamour they may make about their payments to the clergy, they may be assured that they would be no gainers by the abolition of

* All Charitable Trusts are obliged to supply the State officers, the Charity Commissioners, with a statement of their income and expenditure: not so the holders of tithes.

tithes. If tithes were *absolutely* abolished and their farms became tithe-free, the addition made to their rent would certainly exceed the composition which they paid to the clergyman. If tithes, instead of being abolished absolutely and unconditionally were, when taken from the clergy, applied to some other purpose, tithes would be still paid in some shape or other. Even if the *name* were changed the substance would remain, and the persons to whom the substance was transferred would have both the power and the will to exact their dues more rigidly than the clergy are either able or willing to exact their tithes. If therefore the present tithe-payers have any regard for their *own* interests they will cease to complain about paying tithes to the clergy."—*Bishop of Peterborough's Charge*, pp. 20-26. July, 1831.

XXXIII.

Would the abolition of tithes confer any benefit on the mass of the people of this country ?

"In a country which, like England, contains comparatively a very small number of persons occupying land of their own, it is evident that the abolition of tithes would confer no benefit whatever upon those who need assistance most. Even were every cultivator his own landlord there is no reason why individuals of his class in particular should receive an augmentation of their property, amounting to one-fifth of its value, without any exertion of their own industry. But English agriculturists are usually tenants, and therefore it is certain that if titheholders existed no longer the farmer would be no otherwise affected by the change than in having to pay in the shape of an increase to the rent of his land, fully as much as he had formerly paid under the denomination of tithe. He would have to deal with one proprietor instead of two, but there is not the least reason to believe that his own profits would derive from that circumstance the smallest addition. Most men, therefore, of good sense and candour will arise from a careful consideration of tithes under a conviction, that although in a revolutionary scramble for property those who should obtain land might do well to keep it from incumbrance of every kind; yet while other individuals are allowed to retain what they have fairly acquired, an annihilation of the titheowner's claim would only operate to increase the wealth of that class which is already endowed with the largest share of worldly goods."—*Soames' History of the Reformation*, Vol. ii., p. 294. London, 1826.

XXXIV.

Were not the tithes originally charged with one-fourth payment to the support of the poor, and why are they not now so charged?

That may have been the original arrangement, and would be so still if the Church in her different parishes had been permitted to retain her property. But what are the facts?

The Church has been robbed from time to time of the greater portion of her wealth. That which was formerly burdened with a charge for the relief of the poor she no longer retains, or retains in the most limited degree.

A custom grew up to assign the great tithes of many parishes, rectorial and vicarial, to the Bishop of the diocese, the Cathedral chapter, or to some abbey or monastic institution, and to put a vicar or perpetual curate, as the case might be, into the incumbency of the parish church, to serve it, and take the cure of souls, for the merest pittance. So that when, at the Reformation, Henry the Eighth suppressed the abbeys and monasteries, instead of restoring to the different parishes the great rectorial or vicarial tithes and lands which had been attached or appropriated to those institutions, he laid violent hands upon them and other Church property for his own purposes, and when satiated with his share of the spoil he divided the enormously large remainder amongst his favourites and supporters, many of whose descendants among our nobility and landed gentry retain their portions of it till this day. In fact, the great majority of our different parishes have on their face the sure sign and indelible mark of spoliation, and alienation of Church property to other than the purpose for which it was originally devoted.

If it be asked "What are the sure signs and indelible marks of the despoiler?" they are these: wherever an ancient parish is a "vicarage" it is certain that the great or rectorial tithes have been alienated from Church purposes within the parish; and wherever such parish is a perpetual curacy you may be certain that both the rectorial and vicarial tithes, as well it may

be as other lands and endowments, have been taken away from the parish, while it is left with the least and lowest endowment of all, that of a perpetual curacy.*

And now, incredible as it may seem to many persons, not only are the great rectorial tithes, whether held by a clergyman or layman, rated to the support of the poor and chargeable with all other rates, as well as the Queen's taxes, but all incomes of the clergy derived from tithes of any kind are in all respects equally so rateable and chargeable.† So that it is not difficult to imagine a case in which the gross income of a benefice may be £650 a-year, the net income of which may not be more than £400, out of which the incumbent may have to provide £150 per annum for a curate!

Is it asked "how can this be?" It is in this way—the rector, vicar, or perpetual curate, whose income is drawn from tithes, is, like all other ratepayers, rated to the poor according to the estimated value of his house or vicarage; but over and above all this, and different from everybody else, he is rated on the estimated value of his income derivable from the tithes, not only to the poor but for all other legal, parochial or borough purposes. It will thus be seen that while the Church has been robbed of those endowments which were chargeable for the support of the poor; her clergy are still chargeable to a greater extent than any other members of the community for their support.

XXXV.

The poor never had a legal right to a proportion of tithes: it was simply a customary but voluntary contribution.

"It is a mere *pretence* that benefices were endowed for the support of the poor; they were endowed for the support of the clergy in return for the

* See Articles on "Clergy," "Tithes," and "Impropriation" *Cyclopædia*, by E. C. Chambers, Fifth Edition. 1741.

† See any Parish Rate Book.

spiritual benefits conferred on their respective parishes. The necessitous poor of this country were, before the Reformation, supported entirely by *voluntary* contributions. Those contributions came indeed from the clergy, but then they came from the clergy of rich monasteries and other religious houses, possessing property which has been estimated at one-third of the whole property in this kingdom. This immense property was taken from the Church and transferred to the laity. Then it was that the poor began to feel the want of that support which they had derived from the religious houses. The voluntary contributions of those religious houses having ceased, and the *new* proprietors of the estates which had belonged to them having declined to follow their benevolent example, it became necessary, in the reign of Elizabeth, to introduce *compulsory* contributions, under the name of poor's rates, and to these contributions the clergy now pay their ample proportion."—See article on "Church Reform," vol. xi. *British Critic*, &c., 1832.

XXXVI.

Well, if the payment of tithes be not hard upon the tenant, is it not hard upon the land-owner ?

On what grounds can it be so ? If the landowner inherits the land subject to tithes, it came to him on that condition and subject to that payment ; and no doubt in the first instance, at least, he was very glad to possess it on these terms, and did not too narrowly scrutinize or criticise the liberality of his ancestors in originally charging it with that payment, a matter which was clearly within their right.

If the landowner bought the land subject to tithes, he got it so much cheaper on that account. In fact, in estimating the amount of its value, a round sum in lieu of the charges upon it was deducted from the price it would otherwise have fetched had it been tithe-free ; so that really nobody is injured by the payment of tithes. The full value of the land is known and will be exacted from the cultivators of the soil, so that if the tithes did not go to the Church they would go to the landlord, or to some other source ; but depend upon it the land would not escape.

XXXVII.

Is it not manifestly unfair to require a man to make a legal payment in the shape of tithes toward the support of a Church from which he entirely differs?

Let us see. Is it unfair to ask a man to support the Government of his country, by the payment of the Queen's taxes, because he differs entirely from the politics and policy of the Government in power?

Is it unfair to require a member of the Church of England, who holds as tenant a house or land left as an endowment of a Nonconformist chapel, to pay his yearly rent because he cannot agree with or sanction the use to which such rent is to be appropriated? Illustrations might be added without number, but they are needless. A moment's reflection will convince any person that if he deliberately takes a house, farm, or other property, well knowing the annual charges upon it—and with all these charges upon it is glad to get it—it is too late in the day, when he finds himself in full possession of it, to demur on the ground of conscience, or otherwise object to the legal charges which he well knew were upon it. But if at the eleventh hour he repents of his bargain, the fairest and we should say the wisest plan would be not to contest the righteousness or justness of the payment, but to give up a tenure the charges on which he is no longer willing to discharge.

XXXVIII.

Were not many of the endowments which the Church of England now holds given to the Church of Rome?

No; not a single endowment was given to the Church of Rome. There was no Church of Rome in England to give endowments to. The Church of Rome, as such, never had any existence in England. That the Church of England was for

hundreds of years under the influence of the Church of Rome, received and taught her errors, and was in many respects subservient to her, we freely admit; but that she ever wholly submitted to her, gave up her independence, and entirely merged her identity in that of the Church of Rome, we entirely deny.

The people of England gave their endowments to England's Church, and not to the Church of Rome.

In devoting their property to her, whether in grants during life, or bequests at death, they gave their property to her as the Christian Church of the nation. In no instance that we are aware of were any endowments given to the Church of England, on the condition that she should remain in subservience to, or in union with the Church of Rome.

Suppose the case of two men, A and B; A occupies a more conspicuous and in every way more influential position than B. B acknowledges all this and more; he gives himself up to A's guidance and control. A does what is wrong and leads B astray. During the time that B is being led astray he has a large property left him, by one who is not only his own countryman and neighbour, but it may be his near relative, who is perfectly cognisant of the intimate relationship existing between A and B. Years afterwards B throws off the evil influence of A, and takes an independent part, acting for himself and ordering his conduct as he in his judgment thinks best. Who could say that because of this the bequest made to B was invalidated?

Yet this is just the state of the question, as to bequests given to the Church of England while she was under the influence of Rome.

XXXIX.

Were not many of the Endowments of the Church originally obtained by unfair means? that is, by the exercise of undue influence over the minds of religious people, inducing them to alienate their property to the Church, or in the hour of death to make large bequests to her?

There is no proof of this. It is not however questioned that many persons, when death was staring them in the face, left large endowments to the Church. But who were they? They were the very persons who, by rapacious sacrilege and the opposing of might against right, had in their lifetime taken that very property from the Church which they felt compelled to restore to her in the presence of death.*

But it is too late in the day to raise such questions as these, unless a document can be produced, showing that the conditions of tenure are violated.† The present rightful and just tenure of the property in question is not affected by such questions; otherwise the rightful possession and secure tenure of no property in this country could be guaranteed.

Were the title to property in the present day impeachable, on the ground that some hundreds of years ago it was wrongly acquired, we fear that large numbers of our nobility and gentry—whose rent-rolls are made up chiefly of incomes derived from abbey lands, monastic endowments, and great tithes, given to them at successive periods of the history of the Church, by high-handed kings, and especially at the time of the spoliation of

* See Hallam's *Middle Ages*, page 335.

† See Rev. Baldwin Brown's Paper on Trust Deeds, shewing the prevalent alienation of property amongst Nonconformists, from its present Trusts and original objects.—*Congregational Year Book*, 1872; page 95.

Those who charge the Church with alienating property from its original object ought not only to be able to prove it, but also ought to be quite sure that they come into Court with clean hands, and that they are not doing the very thing themselves with which they wish to charge others.

Church property, by Henry the Eighth—might tremble for the issue, which probably would reduce them to utter ruin.

Or further still, were we to apply the principle of invalidity of title of present holders, to property established by wrong acquisition, hundreds of years ago, what property would be secure? In what a state of concern would be the wealthy successors of some of our modern princely merchants, who were self-made men, and whose wealth, so rapidly accumulated, has in many cases been openly characterized as ill-gotten gain.

XL.

Have not many of the endowments of the Church been perverted from their original objects; for instance, were not many of them left for the express purpose of having the Romish mass said for the benefit of the souls of the departed; and forasmuch as this is not done now in the Reformed Church, on what principle can such endowments be retained?

Yes, but such endowments could not be tithes, for they have been paid immemorially by common consent, without any specific condition being attached to their payment. Such endowments were of a specific character, such as land, houses, monies, or special rent charge; and were attached to abbeys, monasteries, or chantries, but these having been swept away, and their endowments confiscated to the Crown—the King having reserved them for his own use, or distributed them to his supporters and followers at his will—it is an interesting work for all zealous people concerned in such matters, to see, as a matter of public trust, that those who now possess such property shall fulfil the conditions attached to its original grant or bequest. One thing is certain, and that is, they will not find the present Church of England possessed of much of such property. They must go to many of the nobility and landed gentry, who, as we have already stated, have been enriched with Church spoliation, and to whom this kind of property was principally given.

XLI.

Is not the property of the Church National property?

No; but in order to answer this question, it is necessary for us to inquire what is meant by "National Property?"

National property may be defined as that which has been inherited, acquired, or created by the nation, for public purposes; held in trust by the Government for the time being, for the nation at large, and over which the Government of the day have exclusive control. Such for instance are the Houses of Parliament, public offices, and British Museum. All these are, strictly speaking, national property, because they have been provided and are maintained and supported out of the public taxes of the country.

But the property of the Church of England is of a very different nature. It is not national. It is not even parochial. The ecclesiastical property of this country is succeeded to, and is vested in a great number of corporations, sole or aggregate.

Every bishop or incumbent in the country is what is called a corporation sole. Deans of cathedrals, with their Chapters, are corporations aggregate.*

The bishop has his income as a corporation sole, on condition that he fulfils his office as a bishop in overlooking his diocese, and executes certain episcopal functions—ecclesiastical and spiritual—for the people and clergy committed to his care.

The incumbent of a parish has the income from tithes, or ecclesiastical endowments, or from other sources, vested in him for his benefit, during his tenure of office, on condition of his discharging certain prescribed spiritual offices and duties for the good of the people of his parish.

And although the income from tithes and endowments is for the good of the people of the parish, still the parishioners have

* By virtue of their office, all Incumbents and Deans—as distinct from their chapters—and Bishops, are corporations sole, having perpetual succession, and enjoy a kind of legal immortality; all Deans with their chapters are corporations aggregate.—See the Laws of the Clergy, by Cripps, page 238 and 239.

no power over it. They cannot touch it, administer it, or interfere with it in any way. It is the absolute freehold of the incumbent as long as he holds the incumbency.

But though the parishioners cannot touch the endowments, they have a right to, and can demand the ecclesiastical and spiritual services of him who is the incumbent; and wherein he fails to do his duty, they can proceed against him, and if he be guilty of certain offences, they can secure his suspension from office, and even the deprivation of his benefice.

The only instance in which the churchwardens, as representatives of the parishioners, can administer the income of the benefice, is when a vacancy occurs in the incumbency, by promotion, resignation, suspension, deprivation, or death. Then, by the authority of the Bishop, the income of the living may be sequestrated to the churchwardens, who in such a case are carefully to administer it, and provide therewith for the public services, and spiritualities of the parish, until the appointment of a new incumbent; to whom they must give a strict account of the income and expenditure during the vacancy, and to whom the balance, if any, will belong.

So that really the property of the Church of England is not national, and it is not parochial. It is really corporate property, and as such has been from time immemorial held and enjoyed by bishops, cathedral chapters, and incumbents, as corporations sole or aggregate, on condition of their performing certain ecclesiastical offices and duties for the good of the people within a given area,—the bishops within the limits of their dioceses, for the people of their dioceses, and the incumbents within the area of their parishes, for the spiritual good of people of their parishes.

It might as well be said, and far more correctly, that the property of the different municipal and endowed charitable corporations, in London and throughout the country, is national property, as to say that the property of the different ecclesiastical corporations, in the dioceses and in the parishes throughout England, is national property.

XLII.

Has not the Nation, through its Parliament and by its Government, dealt with the property of the Church by Act of Parliament and otherwise; and does not this show that Parliament assumes it to be National Property?

Certainly the nation, through its Parliament, has dealt with the property of the Corporations—Cathedral, Episcopal, and Parochial (sole and aggregate) of the Church of England, by way of reajustment, just as it has dealt with the property of all charitable, private, or municipal corporations in the country. For instance, it has dealt with tithes, and by Act of Parliament has changed the mode of payment from payment in kind to payment in money. Further, it has dealt with the Church lands and endowments from which Bishops, Deans, and Cathedral Chapters formerly received their incomes; and instead of their taking the rents of their landed property as they formerly did, life interests being respected, Parliament has, for the improvement of the property and the increase of its annual rental, appointed certain persons, known as the Ecclesiastical Commissioners, to farm and manage this property, paying the Bishops, Deans, Chapters and other persons concerned, a fixed and definite stipend in money, in lieu of their receipt of rents from lands as formerly; and applying the surplus to the building of new vicarages, the endowment of new parishes, the augmentation of small livings,—thus distributing for, and devoting it to, the general good of the Church and the people.

But then we repeat that Parliament has done nothing more in this respect, in the matter of the property of the different Ecclesiastical Corporations of the Church of England, than it assumes the right to do, and actually does do, with reference to the property of all corporations and endowed charities throughout the kingdom.

Yet no one dreams of saying that, because Parliament

exercises supreme control over the property of all endowed charities and corporations throughout the kingdom, in modifying or altering their terms of trust, in extending their benefits to a wider area, curtailing or increasing their expenditure, and fixing and regulating the stipends of their officers, that therefore the property of these local or municipal corporations is national property.

XLIII.

What is the estimated amount of the annual income from the various Endowments of the Church, the sources from whence it is derived, and how apportioned?

1. The annual income derived from the endowments of the Established Church is estimated at rather more than FOUR MILLIONS STERLING.*

2. Of this sum—

Tithes and Rents voluntarily given to the Church of England by charitable persons <i>before</i> the Reformation bring in, in round numbers, about.....	£1,950,000
Tithes, Rents, and Interest on Money voluntarily given to the Church of England <i>since</i> the Reformation bring in, in round numbers, about.....	2,250,000

Total Gross Yearly Value of Endowments, about £4,200,000

Of which sum the State takes as Taxes, &c., other than Income Tax, and sums usually paid by occupiers, in round numbers about	700,000
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Total Net Yearly Value of Endowments, about..£3,500,000

3. The sum of £3,500,000 is therefore, in round numbers, the amount of the net stipends received by the Bishops, Priests, and Deacons of the State Church, who number about 20,000. It is thus divided—

2	Archbishops	} receive, in round numbers, about..	£173,000
28	Bishops		
73	Archdeacons		
30	Deans	} receive, in round numbers, about..	£203,000
132	Canons		
128	Minor Canons		
600	Singers, Lay Officers, and Servants		
19,600	other Clergy, Rectors, Vicars, and Curates	receive, in round numbers, about £3,124,000	

Total Net Salaries Received£3,500,000

* See Church Defence Leaflet.

on an average little over about £200 per annum for each Clergyman.

This of course does not include seat or pew-rents, offertories, or other voluntary contributions, by which the income of the Church, as a body, is greatly augmented.

XLIV.

Has the process of Establishing and Endowing the Church always been going on, and is it still in active operation?

The process of establishing and endowing the Church has, more or less, been going on from the time of the first constitution of the Church of England in this country, till the present time; but never so rapidly and to such an extent as within the last fifty years.

During this last period, in the midst of a constantly increasing population, in the face of much indifference to religion, and despite the most cleverly organised and persistent opposition, the Church has been successfully establishing herself, and securing endowments from her devoted, wealthy, and liberal members, to a surprising extent.

While some people have been devising plans, and actively trying to carry out elaborate schemes for disestablishment and disendowment, the church, through her faithful clergy and laity, has been quietly going on in her good work—establishing herself more firmly in the intelligent convictions and hearty affections of the people—and establishing herself amidst the poor and overcrowded populations, to minister to their temporal and spiritual wants, to alleviate their sufferings, and to mitigate their misery.

She has been establishing herself in new dioceses, new parishes, new churches, and new mission chapels. Millions of money have been, and are being voluntarily subscribed, for Church purposes, and from purely voluntary sources. The Church is adding to her endowments for new bishoprics, new parishes,

new educational agencies, and various new charitable institutions, at such a rapid rate that it is difficult accurately to estimate their value.*

But the matter will be better understood by a local illustration. In our own town, fifty years ago, there was but one parish church, and but one clergyman. Now we have eight new parishes formed, with some sixteen additional clergymen; new vicarage houses, and costly permanent churches, with schools, and other institutions attached, and different organizations for religious, charitable, or philanthropic purposes.† And how has all this been done? By Act of Parliament? No! By money supplied by Parliament? No! How then has all this been done? There is only one answer, and that is "It has been done by the earnestness, energy, piety and munificent liberality of the Churchmen of this neighbourhood, and this is but a sample of what is going on all over the kingdom.

It is true this Church extension has taken place under the sanction of several Acts of Parliament, and in conformity with the existing law of the Church, and of the land; just as all Non-conformist places of worship are erected in their several localities under the protection of the law of the land, although the State has not to the same extent legislated for them as it has done for the Church. But Acts of Parliament did not create the piety that prompted the members of the Church to do this great work. Acts of Parliament did not find the money to constitute the new parishes, build the new churches and vicarages, provide endowments for the clergy, or pay the stipends of assisting curates. Acts of Parliament have no more created the funds

* In most cases wherever a new parish is formed and new Church is built, and consecrated, there quickly follow the erection of schools and the institution of almost every variety of society and club for the promotion of education, the bettering of the condition of the working classes, the relief of the sick and needy, and the furtherance of all kinds of charitable works. So that each new parish Church, in addition to being the public House of Prayer for the parish, becomes the new centre of numerous organizations for the good of the entire population.

† By returns just obtained from the different new parishes in Maidstone it has been ascertained that over £72,906 have been expended in Church and School Building alone, within the last twenty years!

for these objects than they have created funds for the building of Nonconformist chapels, and providing stipends for their ministers.

XLV.

Are there any clearly ascertained facts to prove the great magnitude of the work of Church Extension ?

The facts relative to the work and progress of the Church of England since the year 1800, as taken from the *Quarterly Review* for July, 1874, are thus stated :—

I. Church Building—

Up to 1872 the total number of Churches built in the century was 3,204; of Churches entirely rebuilt, 925; making 4,129 in all. Restorations and enlargements were still more numerous, so that over 9,000 Churches have been built, rebuilt, or restored during the century. These have cost at least £18,000,000. All this was accomplished by voluntary contributions, with the exception of the Parliamentary grant of one million in the outset.

II. Subdivision of Parishes—

In 1831 the Parliamentary Inquiry Commission returned the number of benefices at 10,000. Now there are as nearly as possible 13,200. And be it remembered that every additional parish involved a large voluntary outlay for Church Schools, and Parsonage, and other numberless details of parochial expenditure. But all these new parishes had also to be endowed, and the Ecclesiastical Commissioners acknowledged the receipt of no less than £1,653,446 from private benefactions for endowment up to October 31, 1873, and it is a remarkable fact that in this one form alone Churchmen have thus given for endowment at the rate of £120,000 a-year for the last three years.

III. Parsonage Houses—

Forty years ago these numbered 5,900, now they are over 11,000; so that, to say nothing of rebuilt Parsonages, we have a clear gain of 5,100 resident clergy.

IV. Clergy—

In 1801 the number given is 10,307

In 1841 there were 14,613

In 1871 „ „ 20,694

An increase of over 6,000 in thirty years.

Of these, 19,043 are engaged in parochial work; in round numbers, 13,000 are incumbents and 6,000 curates, and 1,650 clergy employed in school and college work. In 1841 the number of incumbents was 5,776, in 1871 no less than 13,043.

V. Education—

The following figures are taken from the Privy Council Educational Report for 1873, and will about show to whom the country is indebted for the means of Elementary Education during the last thirty years.

From 1839 to Dec. 31, 1872.

England and Wales.	Subscribed.	Par. Grant.
For Building Church Schools. . . .	£3,585,164	£1,356,487
British and Foreign Schools	220,033	106,120
Wesleyan Schools	151,942	81,317
Roman Catholic Schools. . . .	99,650	42,167

Here we have three and-a-half millions of voluntary subscriptions sunk in school building alone; whilst from the same Report we learn that the annual subscriptions of Churchmen reach the amount of £389,769 against £84,771 subscribed by Dissenters. Add to this, that during the last sixty years the National Society alone has dispensed £1,000,000 for Educational purposes, involving at least an outlay of £12,000,000 in actual capital from other sources, and we have some idea what the Church has been doing during the century for the religious education of the people of England.

VI. Curates—

The number of Curates at present is over 5,800.

The average stipend of a Curate in 1843 was £82 2 10			
„	„	„	1853 „ 79 0 0
„	„	„	1863 „ 97 10 0
„	„	„	1873 „ 129 5 8

Taking £125 for the average income at present, this gives £725,000 as the gross Curate income. Of this about £400,000 is paid by incumbents, and the rest, £325,000, comes from lay sources.*

XLVI.

But although Parliament does not build nor help to build new Churches nor Vicarages, when once new Churches are built, is it not a fact that Parliament makes grants wholly or in part to endow them?

Not one penny of a grant does Parliament make, in any shape whatever, towards the building or endowing of any Churches, other than those erected for, or adapted to the accommodation of the army; and not one penny does Parliament pay in the shape of stipend to any parochial clergymen, except for their services to the army, as army chaplains, when they are appointed to that office. Parliament just gives as much for the building and endowing of churches as it does for Nonconformist chapels, and that is nothing at all.

The popular error so prevalent on this subject may have its origin in this fact, that the bishops and laymen, called the Ecclesiastical Commissioners, who are appointed to manage the revenues from ancient episcopal and cathedral estates, after meeting the first charges upon them, annually appropriate the remainder in the shape of grants, for the purpose of endowing with £200 per annum, new churches, built in poor and populous places, and also for the purpose of meeting offers of voluntary benefactions for the endowment of certain other new churches with an equal amount; but it is all entirely and exclusively the property of the Church,—not one penny of it has come from Parliament or the taxes of the people. If the

* In this abstract no note is taken of the immense sum, probably not less than £2,000,000 per annum, which the Church raises from voluntary sources, for maintenance of Divine Service, Parochial Charities and institutions, as well as Home and Foreign Missions.

yearly budgets of the Chancellor of the Exchequer be searched through and through, no item will be found for such Church purposes, nor will a single grant be discovered for Church building, church endowment, or the stipends of any of the clergy, other than those mentioned, namely, the stipends of army chaplains.

Some of the Churches in this town* have been wholly or partially endowed by grants from the Ecclesiastical Commissioners. But from what fund did the Commissioners make these grants? From no other than the ancient great tithes of the original or mother parish, from which they were formerly taken and attached to the Archbishop's Revenues of Canterbury. And as they lately fell into the hands of the Ecclesiastical Commissioners—as the managers of the Episcopal estates—they have restored the greater portion of them to their original object, by devoting them to the endowment of several of the new parishes in this town.

When it is stated that this kind of re-distribution of the property of the Church is, through the agency of the Ecclesiastical Commissioners, going on all over the kingdom, something will be understood of the good work they are doing, and also it will be seen that the State, in appointing these Commissioners, had in view not the diverting of Church property from its proper objects, but its better administration; and where needful and possible, its re-distribution and restoration to its original objects.

XLVII.

Has Parliament power to pass an Act to Disestablish and Disendow the National Church?

It has no more power in this matter than it has to deal with all institutions and endowments. It has power, should it be so misled, to pass an act for the disestablishment and disendowment of every religious, charitable, and municipal corporation in

* Maidstone.

the land. It has power to seize their funds, alienate them from their original objects, and misappropriate, squander, or waste them in any way it might feel disposed.

The power of Parliament, with the sanction of the Sovereign, is supreme, in dealing with all such matters, for it has behind it, might—and the coercive power of the law, which is physical force.

And therefore if ever the day should come in England's history when the Parliament should be so ill-advised as to pass an Act to disestablish and disendow the Church, it would be in vain to attempt to resist it. We must bestir ourselves in time, and as Englishmen and Churchmen put forth our earnest individual and united efforts to prevent the possibility of such a state of things ever coming to pass.

XLVIII.

Has Parliament the moral right to Disestablish and Disendow the Church?

That is quite another thing. Parliament has the legal right, at the wish of the great majority of the people of the kingdom, to disestablish the Church,—that is to cease to recognise it as the sole and exclusive Church of the State,—but Parliament has not the moral right, either by itself or at the wish of the great majority of the people, to rob the Church of her endowments, any more than it has the moral right to lay violent hands on the property of any charitable institution or person.

But there is little use in talking of moral rights, to States or Governments, for when bent on a wrong course they know no right but the right of law, and force to put that law into execution; and therefore the power of disestablishing and disendowing anything or anybody is, undoubtedly, vested in the Parliament of the country. The question is, will Englishmen, and especially English Churchmen, stand idly by and allow their national Church to be disestablished and disendowed?

XLIX.

Is there any proof that the great majority of Members of the British Parliament or their Electors, or the great majority of those who differ from the Church, wish for Disestablishment and Disendowment?

There is no evidence whatever that the great majority of those who differ from the Church wish for disestablishment and disendowment. But on the contrary, there is every reason to believe, that by far the greater number of those who differ from the Church of England, do so not on political but on various purely religious grounds, and that they are content to enjoy their own freedom of religious opinion and worship, without wishing to take away the religious liberty, or interfere with the rights and vested interests of the vast majority of their fellow subjects who prefer to remain in the Communion, avail themselves of the offices, join in the public worship, and continue in the possession of the rights and privileges of the Church of England as an Established and Endowed Church.*

For instance, if we take the report of the Society, which has for its object the disestablishing and the disendowing of the Church, and read through the list of its members and subscribers, we look in vain for some of the most distinguished ministers of the Nonconformist bodies, whose learning, culture and great abilities, in many cases constitute them ornaments of their communions, and would, had they been led to enter it, have entitled them to a prominent place in the ministry of the Church of England.

We do not for a moment lose sight of the fact, nor seek to lessen its importance, that on the Council, and amongst the

* So far as we know the vote of the different religious bodies in England has never been taken on the question of disestablishment, and we are not aware that any legally constituted body, such as the Wesleyan Conference, having power to commit those whom it represents by its votes, has ever declared for disestablishment. Self-constituted assemblies having no legal representative power no doubt have voted for disestablishment, but their vote has committed none but themselves.

members and subscribers of the Society, are the names of very able, conscientious, and earnest men, both as ministers and members of religious bodies; but we cannot lay too much stress upon the fact, that the Liberation Society judged from its annual report, 1878, has not amongst its members and subscribers more than a small minority of the ministers and members of religious bodies outside the Church of England.

It may be unfair to assume that there are not many who agree thoroughly with this Society, both in its aims and mode of operation, who do not express their feelings on the matter either by becoming members or subscribers; but would it not be quite as unfair to assume that there are, in the absence of some expressed proof of the fact? Unless we are to take for granted that a Nonconformist and a member of this Society are synonymous terms—which they certainly are not, and we think no one has yet been bold enough to affirm that they are.*

With the Society's annual report before us, if we take the list of London members and subscribers, or that of the provinces, the names of some of the most eminent ministers and members are conspicuous by their absence.

So that so far from the Liberation Society, up to the present time, representing any desire on the part of the great majority of members of Parliament or their constituents, for disestablishment and disendowment, it does not appear that it even represents more than the very smallest minority of the Non-conforming religious bodies in the country, in addition to a number of men of whom we do not wish to say a disrespectful word, but who candidly avow it to be their aim, not only to try to disestablish and disendow the Church, but also to get rid of the Christian religion altogether.

L.

What evidence can be adduced in proof of the foregoing statements?

The evidence which we adduce is this—we have gone through the Society's report very carefully, and we here

* How far this is from being the case, see *National Church*, page 41.

append a brief analysis of the result. We have taken London, with its suburbs, as it stands first on the Society's list, selecting the sample counties as they follow in alphabetical order. And we think that—in proportion to the population—the small number of subscribers, the few ministers subscribing, and the insignificance amounts subscribed, entitle us to come to the conclusion that the feeling in favour of the disestablishment and disendowment of the English Church, is far from being so deep, so earnest and so general amongst Nonconformists, as many of the statements made on behalf of the Liberation Society would lead us to believe. At least we think that we are justified in concluding, that while the executive of the Society is very earnest and determined and persistent in its efforts to bring about the disestablishment and disendowment of the National Church, judged by the number of subscribers to its funds, the overwhelming majority of Nonconformists in England give no proof of their sympathy with the objects of the Society, or that they are even interested in its proceedings.

Place.	Population.	Members or Subscribers.	Ministers.	Total Amount Subscribed. £ s. d.
London	3,254,260	621	60	*1,521 13 6
Bedfordshire	146,257	122	10	50 1 6
Berkshire	196,475	104	6	135 1 6
Buckinghamshire ..	175,879	103	10	26 1 6
Cambridgeshire....	186,363	192	10	60 17 0
Hertfordshire	125,364	102	9	51 0 6
Total	4,084,598	1,244	105	1,844 15 6

So that out of five counties, in addition to London, containing altogether a population of over 4,084,598, there are only 1,244 subscribers, not more than 105 of whom are ministers, subscribing a total of £1,844 15s. 6d. These facts in corroboration of our statements speak for themselves.

* Of this sum there are four subscriptions of a hundred pounds each, and five of fifty pounds each.

We have taken the chief towns in Kent as average samples of what support the Society may receive in the chief towns of other counties and the following is the result:—

Towns.	Population.	Chapels.	Members or Subscribers.	Ministers.	Total Amount Subscribed. £ s. d.
Ashford	8,458	13	8	2	2 10 0
Canterbury	20,962	12	12	0	6 9 6
Chatham, Roches- ter, and Strood	64,180	23	22	1	12 12 6
Dover	28,506	11	17	0	5 14 6
Folkestone	12,698	9	13	1	4 6 9
Gravesend	21,265	13	29	0	8 4 0
Maidstone	26,237	17	18	2	5 18 6
Margate	13,903	12	14	2	3 17 6
Ramsgate	14,640	13	1	0	1 0 0
Tunbridge	9,863	13	22	1	5 8 6
Tunbridge Wells	19,410	17	9	2	3 10 6
Total	240,122	153*	165	11	59 12 3

So that we have here the extraordinary fact, that in the chief towns of Kent, including a population of 240,122, and having in all 153 Chapels, there are only 165 subscribers to the Liberation Society, and of these only 11 are ministers, and the total amount subscribed is but £59 12s. 2d. Very little over one subscriber to each Chapel! If this be a fair average sample of what is done for the Society in the chief towns of other counties, on what grounds can it be said to be the authorized exponent of the views of the Nonconformist bodies of England on the questions of disestablishment and disendowment?

LI.

Whence then does the Liberation Society derive its present large income of over £16,000 per annum?

The writer of an article in the *Quarterly Review*, for January, 1879, on "Aggressive Nonconformity," (page 52,) explains all this; he says, "The Liberationist party had no sooner experienced

* The number of Chapels is taken from a book entitled "*Provision for Public Worship in the County of Kent.*"

their crushing electoral defeat in 1874, than they held counsel how they might best retrieve their lost position. It was determined to raise a special fund of £100,000, to be expended during the next five years in the furtherance of their object, and more than £53,000 were forthwith promised. So large an amount would at first sight indicate a widespread and earnest determination on the part of aggressive Nonconformists to dislodge the Church from her position without further delay. We do not for one moment question the large numbers or the energy of our opponents. We do not under-estimate the mischief which an annual distribution of two millions and a half of Liberationist publications may occasion. But a close scrutiny of the subscription list and balance sheets of the Liberation Society reveals some facts of no little significance. Of the special fund, which is being rapidly spent, and which forms two-thirds of the Society's annual income, about £20,000, or nearly one half, was raised in the town of Bradford and its immediate neighbourhood, three firms alone contributing to it £15,000; Manchester sent £6,200; London sent £6,400, Birmingham, £545, Leeds £240. From this it is evident that the main-spring of the whole movement arose from a handful of Bradford manufacturers and woolcombers. Nor is there wanting an equally significant indication that the agitation thus elaborately organised has little spontaneous life. There has been a genuine sale of the Liberation Society's publications for the four years ending May, 1878, to the amount of £284 14s. 1d., and this magnificent result has been attained by the expenditure of more than £60,000"!

LII.

Is it not alleged as one reason for Disestablishment and Disendowment, that the Church has failed in her mission to Evangelize the people of England, and to provide sufficient public worship accommodation for them?

This charge that the Church has failed in her mission, does not come with good grace from those who have thought it to be

their duty to thwart her work, counteract her influence, and openly oppose her extension in hamlet, town, and city, throughout the kingdom. But has the Church failed in her mission? What is her mission? It is, if we mistake not, according to the best of her ability, with the endowments and voluntary resources placed at her disposal, to evangelize, teach, and minister to the people of the land.*

Well, it may be that in the past she has not done all that she might have done. It is true she has not been always earnest, zealous, self-sacrificing, and devoted in doing the Lord's work. But what Church has not in this respect failed? What religious body outside the Church in this respect has not failed? Who amongst us individually, or in our corporate capacity as members of the Church or Nonconforming bodies, can always say that we have done what we could?

In enquiring whether the Church of England has or has not failed in her mission, it is well to know what is meant by those who allege the affirmative. If they mean that the Church, by her ministrations and services, has not converted to Christianity the whole of the population of the country, and has not been successful in completely educating its population in the principles of morality and religion, we reply that she never pretended to guarantee such achievements as these: to ensure success in these respects is not possible, through the instrumentality of the Church or that of any religious body. The providing, according to her ability, for the religious education of the people, amidst the ever increasing population of the country, and the sudden springing up of new hamlets, towns, and cities, in districts where there has been neither clergyman, Church, nor school, nor any provision for them by way of endowments, nor from any source but from the voluntary liberality of her members; and

* It would be as unreasonable to expect the ancient endowments of the Church, which may have been fully adequate to her wants 300 years ago, in the face of the present decrease in the value of money, and immense increase of the population, on every hand, to suffice for her present wants, as it would be to expect that children of parents possessing only £1,000 a-year, should, at their parent's death, each from that £1,000 a-year, possess the same income that their parents had.

the providing the populations of such hamlets, towns, and cities with new churches, parsonages, clergy, &c., and promoting suitable endowments for them, has been a work to which for years past she has earnestly devoted herself, and in which she has been eminently successful, amidst difficulties almost insurmountable, and which she has successfully accomplished in the face of misrepresentation and opposition on the part of those alienated from her ministrations, who have been opposed to her progress and hinderers of her extension.

This we have proved by the statistics already given, and with these before us who can in the face of truth and justice say that the Church of England has failed in her mission. But if in any respect she has failed, may it not be a subject for serious consideration whether those who allege her failure are not to a great extent responsible for it, by misrepresenting her to the people, prejudicing their minds against her ministrations and services, and thus counteracting her good work amongst the masses of the people.

LIII.

If the State Disestablished and Disendowed the Church, reserving to every Bishop and Clergyman his life interest in his income, would the rights and privileges of any persons be violated?

It is a prevalent error to suppose that the clergy only have a vested interest in the endowments of the Church, and that if their life interests were respected, no injury or injustice would be done to anybody by disendowment.

It is true that only the clergy have a *pecuniary* vested interest in the property of the Church, but it must be borne in mind that the whole laity of the Church have quite as important vested interests in her property, although of another kind.

The laity have a permanent vested interest in the services of the clergy, for which provision is made by the property or endow-

ments of the Church; and if you take away the endowments, you take away that provision which has been made for the services of the clergy, on behalf of the laity, and you deprive the laity of very real and important vested interests, created and possessed by their forefathers, which have for many hundreds of years been handed down from generation to generation.*

There is not a subject in the realm, young or old, rich or poor, prince or peasant, learned or unlearned, but has a vested interest in the property and endowments of the Church of England; and in the event of disendowment, how could compensation be rendered to such? What compensation could be given? From the babe in arms to the aged man tottering on the brink of the grave, all ages alike have a vested interest in the private and public ministrations and services of the Church and clergy, which are secured to them by the property and endowments of the Church. To be deprived of such vested interests as these, against their will, by Act of Parliament or otherwise, would strike at the root of all security of tenure of any vested interest, whether pecuniary or otherwise, throughout the realm.

LIV.

Is then the question of Disestablishment and Disendowment of the Church one that strikes at the root of the vested interests of the whole people of England, and therefore concerns them as much as it does the Clergy?

There is no doubt of it. Indeed it not only concerns them as much as the clergy, but more; for in case of disestablishment and disendowment the clergy would receive compensation for their vested interests, but the people who now have a legal right in the ministrations of the Church and clergy, and who would then be deprived of them, would receive no compensation whatsoever. In fact it would be as if in the disendowment of a large charity, intended on an extensive scale to benefit, in a great number of ways, the whole of the vast majority of a

* See *Arthur Arnold's Social Politics*, Article I, *The Business of Disestablishment*, page 21.

people, you were to compensate for their vested interest the officers who administer the benefits of the charity, and leave the recipients of the charity, for whose benefit it was intended, without any compensation whatever.

The question of disestablishment and disendowment therefore, rightly understood, ought to be one of very serious concern to the people of England, whether they are or are not at the present time worshippers in her Communion, seeing that in the case of disestablishment and disendowment they alone would be those whose vested interests would be for ever swept away, without any compensation being given to them, whatsoever.

LV.

But has not the Irish Church been Disestablished and Disendowed, and what is the difference between her case and the case of the Church of England?

It is quite true that the Irish Church has been disestablished, so far as the form of her ancient union with the State is concerned; but strange and paradoxical as it may appear, she was re-established in another form by Act of Parliament, which Act is the basis and security of her new Charter as a corporate body, (perhaps we ought to say) so long as the State chooses to respect it. As to her disendowment it was only partial: every vested interest which the clergy and official laity had in her property had to be bought out.

The holders of endowments, whether in land, charges on land, tithes, or of other kinds, had compensation given them for their vested life interests; and every patron of a living had a fair market price, and perhaps more, given to him for his loss of patronage; so that when in years to come the Commissioners appointed to carry out the Act of disestablishment, &c., present their balance sheet to the nation, it is not at all unlikely that there may not be such a large sum to be disposed of as was originally supposed; and it is difficult to say who, after all, will be particularly benefited by the transaction.

But apart from this, the case of the Irish Church was very different from the case of the Church of England. The Irish Church was established, but she was not *national*; that is to say, so far from comprehending within her fold the great majority of the people of the country she did not embrace in her communion more than about one seventh or eighth of the population. But the Church of England is national, forasmuch as in the face of all the existing religious bodies outside her communion, she still comprehends within her fold the vast majority of all classes of the people in this kingdom. Whether we test this assertion by the number of registered members of various religious bodies who are separated from the Church, or the proportion of marriages in Churches and Chapels, or the proportion of burials in cemeteries where there are consecrated and unconsecrated burial grounds; or whether we take any other comparative test, there is overwhelming and indisputable proof that, in the face of all religious bodies, the Church of England still maintains her noble characteristic as the *national* Church of this country; and being so, there exists no parallel between her case in relation to the people of England, and the case of the Irish Church in relation to the people of Ireland prior to her disestablishment.*

LVI.

If Parliament thought fit to deprive the Church of her Endowments and Tithes, would it be exceeding the power which it has already exercised in abolishing compulsory Church Rates?

There is no analogy nor parallel between the two cases. If Parliament dealt with the property of the Church as it has dealt with Church rates, it would not only be vastly exceeding any power that it has yet exercised with reference to the property

* See *Quarterly Review* for January, 1879, page 49.

of the English Church since the Reformation, but it would be exercising an entirely new power altogether.

Between the title to Church rates, when they existed, and the title to endowments and tithes, there was all the difference in the world. Church rates were taxes or charges imposed by the parishioners upon themselves not for the incumbent of the parish, but exclusively for certain definite ecclesiastical purposes. Church rates could only be made at a meeting of the parishioners in vestry assembled, and then only by exact compliance with a definite course of prescribed legal procedure, which if not duly observed invalidated the rate.*

Whether a rate should be made, and if so what amount, were questions for the consideration of the vestry, and these questions were finally decided by vote or poll as the case might be. But the essential point to be observed is, the rate had no existence until made by the vestry, and even then its enforcement depended upon its having been made in strict accordance with legal requirements. But it is altogether different in the case of the property of the Church, in the shape of endowments and tithes. They are things over which the parishioners in vestry assembled have no power or control. Vestries did not create them—vestries do not collect them, and vestries have never had voice nor vote as to their appropriation. The endowments and tithes of the Church existed, were payable, and were paid long before vestries sprang into existence, and before any Church rate was made, so that you will easily see that there is no analogy whatsoever between them and Church rates; and therefore no ground for the assertion that if Parliament ever deprived the Church of her property it would only be exercising the same power as it exercised when it declared that the payment of Church rates should be no longer compulsory.

* See Prideaux's Churchwarden's Guide, page 96, &c.

LVII.

Have not members of religious bodies outside the Church an equal right with Churchmen to the property of the Church ?

Certainly ; they have an equal right with the Churchmen to the property of the Church, but that right is no right at all in a *pecuniary* sense. Churchmen have not, except they be in Holy Orders and appointed to a benefice, any pecuniary right whatsoever in the property of the Church ; and surely if they have no right to it Nonconformists have not.

All parishioners, whether Churchmen or Nonconformists, have, by the law of the Church and of the realm, a right to the services, in matters of religion, of those who hold and receive the pecuniary benefits of the property ; but they have no right to the property itself. The property is a trust, held in trust for a given object, to be carried out in a given way.

The income of the property of the trust is at present regarded as sacred to the use of the incumbents, and is beyond the reach, control, or interference of the parishioners. But all parishioners, whether Churchmen or Nonconformists, may enjoy the benefits of the trust, by agreeing to its conditions and conforming to its requirements, namely by accepting the ministrations of the clergy in the manner provided by the conditions of the trusts, in accordance with the teaching and services of the Church of England. Clearly, when any parishioner rejects these, and protests against the trusts and its conditions, he cuts himself off from all their benefits, and ceases to be interested in the property in the sense explained, unless he can succeed in inducing the Church and the State to alter the terms of trust in harmony with his views.

LVIII.

If the Church were Disestablished and Disendowed, could she be reorganized and re-endowed without the authority of an Act of Parliament ?

Possibly, but considering what complicated interests would have to be dealt with, it is not probable that it would be

so. The same Act by which she might be disestablished and disendowed, would probably have to recognize her existence, constitution, and government in some other form,* and would have to secure her in the possession of the endowments left her, and also any new endowments that might be given to her; or if not, some Act of Parliament would probably have to be passed for that purpose.

Still further, when disestablished and disendowed, the State would, in cases of appeal, have to take cognisance, by its Parliament and through its law courts, of the new state of things created; of the new relations of the clergy toward each other; of their relations to the new corporate Church body; of their relations to their people to whom they would be appointed to minister; of the conditions on which the new corporate Church body should hold its endowments; of the terms on which the clergy should hold their office; of the duties to be performed, doctrines to be preached, services to be held, and ceremonies to be observed; and if any violations of the conditions or compact were alleged by parties interested, it would still rest with the State ultimately to deal with the points at issue, either by legislation or through its law courts.

LIX.

Are the various religious bodies in this country in a sense established by the State and subject to its supervision?

Yes, and to an extent which but few people have any conception of, because this point is completely overlooked in the controversy which is carried on in the present day against the Church of England as an established church.

All Nonconformist bodies are in fact recognised by the law of the State, and by it they are protected in the enjoyment of their rights and property, and are supervised in the use they make of them.

Under the provisions and by the authority of Acts of Parlia-

* See the Irish Church Disestablishment Act.

ment, Nonconformist chapels may be certified for public worship, registered for marriages, are required to be open at all times and under all circumstances to the public, during the holding of any religious meeting or service.

Under the provisions and by the authority of Acts of Parliament, Nonconformists are protected from interruption or disturbance in their public worship.

Under the provisions of certain Acts of Parliament, Nonconformist ministers have many privileges granted to them, and are exempted from many duties of an ordinary citizen. By virtue of Acts of Parliament, they may perform the marriage service, and officiate at funerals in cemeteries, at the request of all who seek their services; but in the case of a marriage, the superintendent registrar, as the representative of the State, must be present, without whose presence the marriage would be null and void.

After this, who will say that religious bodies outside the Communion of the Church of England have no connection with the State, or that they are not in a very real and practical sense State-established, State-supervised, State-protected, and State-controlled?

LX.

But have not religious bodies outside the Church of England, by virtue of their non-union with the State, power at their pleasure to alter their Trust Deeds, so as to vary or altogether discard the doctrines, discipline and religious observances therein set forth, without the aid or interference of the State either through its Parliament or Law Courts?

In these respects religious bodies outside the Church of England are, equally with her, subject to State control; and they have no more liberty to alter their Trust Deeds, nor—while continuing in the enjoyment of the buildings or endowments secured

by them—to depart from the doctrine, discipline, and religious observances therein set forth, than is possessed by the Church of England to alter, or depart from, the formularies set forth in the Book of Common Prayer.

Whether the terms and conditions of a Trust Deed be declared by a religious body for itself, or by the State on its behalf, is of little moment, so far as concerns the subsequent subjection to the State of such religious body in legal questions arising out of such Deed.

Once the trusts are declared, it matters not by whom, nor to whatsoever temporal or spiritual subjects they may relate, the State steps in and says: “Now, henceforth, this legal instrument, with the property protected, and the society incorporated, by it, with all rules and regulations therein set forth or questions arising out of it, are and shall—in cases of appeal, so far as concern its enforcement, proposed alterations, authoritative interpretation, and absolute and final adjudication on all matters in dispute—be subject to my control.”

With reference to this subject, no one could speak in plainer terms than one of the most able and eminent of Nonconformist ministers.*

In an important and interesting paper on “The true principles of Trust Deeds,”—with reference to which he advocates greater freedom and simplicity—the careful perusal of which we cordially commend to all who are interested in this matter—read before the Autumnal Assembly of the Congregational Union of England and Wales, 1871, and published in the Congregational Year Book for 1872, page 95, he says:—“Our only difficulties practically arise from our Chapel property. . . Bricks and mortar we must have and own, and then our troubles begin. They cost money, and men who give money like to follow it and assure themselves that it does its work. Donors to pious objects naturally ask some reasonable assurance that their gift, which may represent much hard work and even painful sacrifice, shall not be employed after a time in the service of the world, or the

*_Rev. J. Baldwin Brown, B.A.

devil, or for the preaching of doctrines which they hold to be pernicious to mankind."

"Let us say that it is reasonable that a donor should seek some assurance that his gift shall continue to be applied to the purpose for which it was bestowed. There are two ways in which he may set to work. He may set forth in a legal deed the doctrines which he believes to be the truth, and then trust the law to see that those doctrines shall continue to be preached in the building which he has helped to rear; taking it for granted that there will always be those who are interested enough in the doctrines, to set the law in motion if the Church should lapse into what they call heresy."

Referring to the great extent to which Trust Deeds are openly violated, if not utterly ignored, by ministers of religious bodies outside the Church of England, while they continue, be it remembered, to enjoy the property and privileges which are secured to them only on their contract loyally to observe the conditions and provisions of the trusts, this plain-spoken minister boldly declares—"At this moment many of the most eminent of our ministers are preaching under Trust Deeds containing statements of doctrine which nothing could induce them to utter from their pulpits." Further he says—"Were the original donors to rise from their graves, they would—unless indeed they have learned a larger theology, as we may be sure they have—be simply horrified to hear the doctrine which is systematically taught from their pulpits; pulpits which they thought they had secured for the preaching of the narrower Gospel which satisfied their hearts. As a matter of fact," he says, "Trust Deeds are constantly ignored, and by our very ablest and most successful men, chairmen of the Congregational Union."

If it be asked, how can such a state of things be permitted to exist, the answer is—the law does not set itself in motion, as against alleged infringements and violations of its provisions, whether in the concerns of the Church, or in matters of religious bodies outside her communion.

Under the Public Worship Regulation Act, three parishioners

can institute proceedings against an incumbent who is presumed to have violated the Trust Deeds of the Church of England, namely the provisions in the formulary documents of the Book of Common Prayer; but any one member of a Nonconformist body can, if he wish, institute legal proceedings in the Court of Chancery, as against any parties concerned, on the alleged grounds of infringement or violation of a Trust Deed. If it be asked why such a step is not taken we are told in effect that such prevalent violations are in many cases in accordance with the views of the members of such bodies, and where otherwise, it is stated that "*No one cares to face the obloquy of bringing the trust deed into court.*"* From these remarkable statements it will be easy to see, and is worthy of note, that if only one hundredth part of the jealousy which exists for the strict observance of the Trust Deeds of the Church of England, existed amongst religious bodies outside her communion, for the loyal observance of their Trust Deeds; or if the same litigious spirit in ecclesiastical matters manifested itself in such bodies, as has unfortunately of late shown itself in some parties in the Church of England; or if opposing organisations existed in such bodies for the purpose of enforcing their violated Trust Deeds as against each other, and dragging each other into the law courts; not only would the Court of Chancery be completely blocked up with cases of ecclesiastical litigation, but strifes, divisions, party spirit, and general confusion would prevail throughout several religious bodies in the land.

This much however is clear, that if religious bodies outside the Church of England be freer at this moment from cases of Ecclesiastical litigation, it is—on the authority of the minister referred to—not because Trust Deeds are not very extensively violated and ignored, nor because those who violate them are not in this matter liable to State control, through Parliament or the law

* If a member of any religious body, differing from the preaching and teaching of his minister, demanded, as he has a right to do, to inspect the Trust Deed of his Chapel, and found cause, and was inclined, to take proceedings against him, it would soon be seen how far such minister was free from State control.

courts, but simply because no one cares to face the obliquy of putting the law in motion. But as it would be unsafe to reckon on the continuance of this extraordinary state of things, it is not difficult to foresee that circumstances may arise in which members of these religious bodies, faithful to the Trust Deeds of their forefathers,—and anxious to see their provisions as to doctrine and discipline enforced on those who now enjoy the rights and privileges of property under them, may appeal to the State,—through its Parliament or law courts, to remedy this state of things—a proceeding which would be productive of such an amount of State interference and control as would give a rude but effectual shock to those who imagine that non-union with the State exempts any religious body from liability to State interference and supervision.

In giving due consideration to the pleas and excuses put forth for the violation of Trust Deeds by those who enjoy the property and privileges secured by such Deeds, on the condition of strict adherence to them, the same speaker says :—“ Still I think I use moderate language when I say that this state of things is most unsatisfactory, and is a strong argument in favour of the principle for which I am contending now. *Were I preaching under a Trust Deed containing doctrinal statements which I could not find in the Word of God, then, instead of lifting up my voice to condemn Churchmen for the ease with which they ignore their explicit creeds and confessions, I should be dumb.*”

It will be understood that we do not make these quotations for the purpose of casting any reflection upon those of whom these things are said, nor do we express any opinion in the matter as to whether, in the course they adopt, they are right or wrong, or are or are not justified by any circumstances in avowedly departing from Trusts, the property secured by which they still retain. These are questions which primarily concern the religious bodies themselves, and with which we do not conceive that Churchmen have any right to interfere, otherwise than to deal with the facts set forth by Mr Baldwin Brown, in his paper, and from them to point out that the State has as much control

over the Trust Deeds of Nonconformists as it has over the Trust Deeds of the Church of England; and that if there be not at present, on the part of the State, very active interference with the religious concerns of Nonconformists, it is not, by all accounts, because there are not abundant causes for its interference, but because for the present no aggrieved party appeals to it for its protection, nor evokes its aid. Further, we have quoted these facts stated by Mr Baldwin Brown, to point out that, while all eyes are turned to the alleged defects in, and arising out of, the union between Church and State, and when there are demands on the part of some for the disestablishment of the Church, and the confiscation of her property, on the alleged grounds of her being unfaithful to her Trust, and having violated her Trust Deeds, there is a state of things now existing in some religious bodies, which for violation of Trust Deeds, and alienation of property from its original objects,* has no parallel, and could by no possibility be permitted to exist unchallenged in the Church of England as the Established Church of the country.

As to the Rev. Baldwin Brown's experience of Trust Deeds, his personal narrative will be read with interest. "Perhaps," says he, "I may record my personal experience as bearing on the question. I have for a quarter of a century been preaching at Clayland's Chapel, under a Deed which I suggested, which simply put the building in trust for the preaching of '*the Gospel of Jesus Christ, the Son of God*,' by such ministers as the Church, in the mode duly set forth, might from time to time appoint. It was hard work to get the Deed accepted. The Chapel had been purchased by the then London Congregational Chapel Building

* When you look over our denomination you find that many of our best and ablest ministers quietly ignore and repudiate the doctrines of their Trust Deeds. If we were to appoint a commission for the enforcement of our Trust Deeds, we should empty nearly all the best-filled pulpits in the denomination.—*West Riding Congregational Review*, 1870, page 16.

It is alleged that most of the chapels built and endowed by the old orthodox Presbyterians of England have passed into the hands of Unitarians without any alterations in the Trust Deeds, and that in most cases they now hold them in violation of these documents; and where otherwise, their Title to them is the Dissenters' Chapel Act of 1844.—See page 4. Report of Mr Cubitt's Speech in the House of Commons, July 2, 1872.

Society. It was their property, and they sent through my old friend, the Rev. ——— the draft of the Deed, containing I think all the doctrines, not only which Calvin propounded, but of which he had ever dreamed. It was a fearful and wonderful Trust Deed. I refused to preach under it. The committee said that I must; that they were simply trustees, and had no choice in the matter. It was their business to see that the property was held for the preaching of those doctrines, and they must do their duty. I answered that I too must do mine, and that as they had brought me to preach there I would simply go to Derby again, and so solve the difficulty. Finding that I was firm to this, they at length gave way, and the difficulty was solved."

LXI.

Would the Rev. Baldwin Brown's simple form of Trust Deed prevent the possibility of misunderstandings, be a guarantee against litigation, or remove the Chapel and property held in Trust beyond the reach of State control?

No; brief and simple as Mr Baldwin Brown's new form of Trust Deed appears to be, we venture to affirm that it does not in any degree tend to lessen the power of the State, through its Parliament or courts of law, to deal with it as a legal instrument, if occasion to do so should arise; nor does it lessen the possibility in the future of an appeal to the State Courts; for it must be admitted that very great differences of opinion prevail as to what the Gospel of Christ really is, and as many differences of opinion may arise as to whether the minister for the time being, is or is not preaching it. Who does not see the possibility of a successor to Mr Baldwin Brown claiming freedom of thought and utterance to preach what might appear to him to be the Gospel of Christ, but what might not be regarded as such by the members of the religious body concerned? Then, by what authority is the matter to be settled? Our reply is, only by the Court of Chancery, if appealed to by the aggrieved party. So

that in such a case there would be the minister and aggrieved members of a religious body claiming to be free from State interference or control, standing before the State tribunal of the Court of Chancery, before which they would have to plead in the most sacred and spiritual of all questions.

After hearing the cases the Judge in the Court of Chancery would have to enquire into, and give judgment upon the following questions :—

1. What constitutes the Gospel of Christ ?
2. Has the minister in this case been preaching that Gospel or merely speculations of his own ?
3. What is the weight of the evidence for and against the point in dispute ?

Could questions of a more solemn, intricate and perplexing character, involving such differences of opinion, be brought before any spiritual Court, much less one that is purely secular; and yet this is the result of what, apparently, the simplest of all simple forms of Trust Deeds, is liable to. Truly there is no getting away from State control in matters of religion, unless by the abandonment of property of all kinds—bricks and mortar included. The upper hired room, with no appointed minister, no performance of acts recognized by the State, and no rules and regulations binding on the members of a given community, is the only refuge for those who seek entire freedom even in external religious matters from State interference and control.*

LXII.

Have the doctrines of religious bodies outside the Church been subjects of legislation; have new meanings been assigned to Trust Deeds of such bodies, and have other Trust Deeds been altered by Act of Parliament?

The following are some of the Acts of Parliament exempting Nonconformists from certain penalties and disabilities, and guaranteeing to them freedom of religious opinion, even while

* See Cases in Appendix.

impugning and denying the doctrines received and enjoined by the Church and the State.

The 1st of William and Mary, chap. 18, entitled "An Act for exempting their Majesties Protestant subjects from certain penalties of the Law." 19th of George III, chap. 44, entitled "An Act for the further relief of Protestant Dissenting Ministers and Schoolmasters." The 6th of George I, chap. 5, entitled "An Act to relieve those who impugn the doctrines of the Trinity, from certain penalties."

The lengthened litigation as to what religious bodies were entitled to the benefits of Lady Hewley's Charity, led to the exclusion of the Unitarians as recipients. But it was alleged that on the same grounds they might as justly have been deprived of their Chapels and endowments, seeing that both originally were chiefly of Presbyterian origin, from the doctrines and discipline of which religious body they had so widely departed. Exposed therefore as they and other religious bodies were to litigation, on the grounds of alleged violation of their Trust Deeds, while they continued to hold the property secured by such documents, widespread apprehensions were entertained that the flood-gates of litigation might be opened, which might result in wholesale ejection of ministers and people from the Chapels and property which they had so long enjoyed. In view of this threatening possibility, recourse was had to Parliament for an Act of indemnification, and that Act was passed in the year 1844. It is entitled "An Act for the regulation of suits relating to Meeting-houses and other property held for religious purposes by persons dissenting from the United Church of England and Ireland." Its chief provisions are, that in wills or deeds of any Chapel or property held by religious bodies outside the Church of England, in which the doctrines to be preached and the religious observances to be practised are not definitely and clearly set forth, then what such doctrines and observances are shall be gathered from, and held to be, those which were in usage for the last twenty-five years immediately preceeding the date of the Act ; *

* So that in all such cases this Act overrides the Trust Deed, and by it the State gives the parties concerned a new title to their property.

but that in Trust Deeds in which the doctrines and religious observances were definitely specified, the property secured by such documents should be strictly applied to the propagation of the objects for which it was originally intended.

Again, by the 34th and 35th Victoria, chap. 40, an Act to alter and regulate the proceedings and powers of the Primitive Wesleyan Society of Ireland, it is provided as follows: "And whereas it is expedient that the Society should have power to hold property in certain trusts, and to alter from time to time if necessary the design, discipline, laws, rules and regulations of the Society, and that the Society should be enabled to unite or co-operate with any Church or religious body or association in Ireland: *And whereas the purposes aforesaid cannot be effected without the aid and authority of Parliament*, be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same."

Here follow schedules of doctrine and discipline in specific detail, setting forth all particulars relating to each subject, as minutely as matters are prescribed in the Book of Common Prayer.

Again, by the 34th Victoria, chap. 24, an Act, which is entitled "An Act for regulating the management by the trustees of the Presbyterian Church in Ireland, of certain trust property for the said Church and for other purposes," the same is claimed by Parliament and admitted by the Presbyterian body. Suppose then, instead of such religious bodies in England living in open violation of their Trust Deeds, as Mr Baldwin Brown has alleged they do, they all, like the Wesleyan Primitive Methodists and the Presbyterians in Ireland, went to Parliament to try and get them altered, we should have at least one hundred times more legislation with reference to the spiritual concerns of religious bodies outside the Church than there has been legislation for the Established Church of England since the Reformation.

LXIII.

Can any conclusive evidence be produced to show that, with reference to external matters, Parliament has specially legislated for, and in certain matters prescribes for, and controls religious bodies outside the Church of England?

The most conclusive evidence that can be produced on this point is afforded by the Acts of Parliament themselves. By virtue of the Toleration Act, passed in 1689, religious bodies outside the Church of England were recognised by the State, and so far are legally established, arranged for, and protected in, their public worship; so much so that Bouge and Bennett, the Nonconformist historians, call this Act their *Magna Charta*.*

By virtue of Acts of Parliament, 6th and 7th William IV, and 3rd and 4th of Victoria, chap. 92, Somerset House was established, and is maintained as a registration office for births, marriages, and deaths, chiefly for the accommodation and convenience of religious bodies outside the Church.

In this office all approved Nonconformist registers and records may be deposited, in the Non-Parochial Register office, and searches and extracts may be made on the payment of a fixed fee.

By virtue of an Act of Parliament, 18th and 19th of Victoria, chap. 36, religious bodies outside the Church may, on compliance with certain requirements, have their places of worship certified as such at the Registrar-General's office, through the Suprintendent-Registrars of their district, and when so certified they are exempt from the interference of the Charity Commissioners.

By virtue of an Act of Parliament, the 18th and 19th of Victoria, chap. 81, Nonconformist chapels, under certain conditions, may be registered for marriages, and no marriages may take place in them unless they are so registered.†

* See Buckle's *History of Civilization*, page 402.

† See *Congregational Year Book*, 1879, page 435; in which Somerset House is called "Office of Dissenting Registers of Births, Baptisms and Burials," see also *Baptist Handbook*, 1879, page 6.

By virtue of Acts of Parliament, 6th and 9th of William the IV, chap. 85; and 1st Victoria, chaps. 22 and 23; and 19th and 20th Victoria, chap. 119; ministers of religious bodies outside the Church of England are empowered to officiate at marriages in their registered Chapels, the Superintendent-Registrar of the district being present, without whose presence as the representative of the State, no marriage in such Chapels would be valid.

By virtue of an Act of Parliament, 52nd of George III, chap. 155, religious bodies outside the Church of England, meeting in certified buildings, are protected from disturbance or interruption in their public worship.

By virtue of the same Act, no assembly for religious worship of any kind may be held, nor sermons preached, in Nonconformist Chapels, with closed doors so as to exclude the public therefrom, under a penalty not exceeding £20.

By virtue of the same Act, ministers of religious bodies who are wholly given to the work of preaching and teaching, and who do not follow any other calling, and who officiate in *certified* buildings, are exempt from many civil duties which ordinary citizens have imposed upon them, and are, by virtue of their office, to a large extent, invested with the privileges which in this respect in former days belonged solely to the clergy and other exempted classes and professions.

By virtue of an Act of Parliament, the 13th and 14th of Victoria, chap. 28, privileged provision is made for a cheap and simple method of transference of Nonconformist Chapel property to new trustees, without the trouble and expense of reconveyance.

By virtue of an Act of Parliament, 32nd and 33rd of Victoria, chaps. 26 and 28, special rights and privileges are conferred upon Nonconformist bodies, as such, in the matter of rendering more simple and effectual remedy the titles by which congregations and societies for the purposes of religious worship hold property for such purposes, and also giving them privileged facilities for acquiring sites of land for religious purposes.

By virtue of Section 6 in the Endowed Schools Act, the provisions of that Act are not to apply to any fund held by a religious body outside the Church, which is applied solely to the education of ministers.

It will be seen from the Acts of Parliament already quoted, that Nonconformist bodies are to a great extent, by many people little dreamt of, in nearly all external matters legislated for by Act of Parliament. By Acts of Parliament they are legally recognised, protected, privileged, supervised, and controlled. To Acts of Parliament they must always have recourse, as well as the Church of England, in making such changes in their deeds, constitution, or regulations, as bring them under the cognisance of the State.

LXIV.

Apart from Acts of Parliament already quoted, regulating the external affairs of religious bodies and altering their Trust Deeds, can any proof be produced to show that all their internal affairs are subject to the interference, revision, control and final adjudication of the State Law Courts?

So long as the members and ministers of religious bodies outside the Church of England agree amongst themselves in the violation of their Trust Deeds, it is difficult to see how the law can be put in motion against them; just as if the vicar and parishioners of any parish agree to violate their Trust Deeds, it is not easy to see how the law can be put in motion against them; but the moment there is disagreement or difference of opinion as to the course pursued, the State Law Courts are open in either case to listen to the appeal of the aggrieved party or parties; and those against whom the appeal is made must follow and put in their pleas in justification of their conduct, or allow judgment against them, if it should be so, to go by default.

Out of some twenty three reported cases,* in the Court of

Chancery, as to the meaning of certain Nonconformist trust deeds, from 1840 till 1869, and as to whether they had been, in the cases alleged, violated, the following are a sample of the vitally religious points which were considered, and absolutely adjudicated on by the State Court :—

1. Questions of doctrine: particular redemption; what it is. Whether it had been taught or contravened by the minister in question.

2. Questions of discipline.

3. Questions as to qualifications of minister.

4. Questions as to the power of a given religious body to dismiss their minister.

5. Questions as to strict communion; what it is? and whether its terms had been violated?

These purely religious questions, which directly or indirectly arose out of the cases quoted, were absolutely adjudicated on by the State Court. But in addition to these were questions of trusteeship; removal of trustees; right to endowments; power to mortgage Chapel property, &c., all of which were finally decided by the State Court of Chancery.

After all these instances cited of Acts of Parliament and legal cases, who, having calmly and seriously studied the question, will say that religious bodies outside the Church are free from State interference, or that their separation from the Church of England exempts them in principle or in practice from Parliamentary or legal control?

LXV.

But is not the idea and theory of a Free Church in a Free State, free from State control, perfectly carried out in Italy?

We cannot do better than call on Mr. Henry Richards, M.P., as chairman of the Congregational Union, and the great advocate of this theory, to answer this question. He says—"The

* See Philpott's *List of Reported Nonconformist Law Suits* in Appendix to published speech of George Cubitt, Esq., M.P., in House of Commons, July 2, 1872. Church Defence Institution.

Italian Government, however, has not in fact surrendered so completely as might appear at first sight its control over ecclesiastical action. While relinquishing all right of interference in the appointments to all the higher offices of the Church, and even absolving the Bishops from the oath of allegiance, it retains its power over the temporalities of the Church; for the statute of guarantee, which expressly declares that the royal and every other form of governmental assent to Acts of ecclesiastical authority are abolished, adds this significant provision, that all Acts of the same authority which have regard to ecclesiastical goods or temporalities *remain subject* to the royal *equeatur or placet*. In truth there was, on the part of the Italian Government, as I have already intimated, a novel and very ingenious attempt to meet the difficulty as to the relation of Church and State, which has puzzled and is puzzling so many European statesmen. While giving what appears unbounded liberty to the Church within the spiritual sphere, it imposes the strictest restraint upon it in the civil sphere. To use the words of Mr. A. T. Innes, 'It leaves the Church free in the Church region, even when its proceedings are condemned and held invalid by the State; but maintains also the freedom of the State in *its* region, to deny all civil effects and results to such ecclesiastical proceedings, as well as to enforce in that civil region all its own laws, however these may be condemned by the Church or its head.' In regard to episcopal appointment, for instance, the law, if I understand it aright, says to the Pope, 'Oh yes, you may nominate whom you like to the spiritual office; we ask no right of assent, and exercise no veto; but we hold power over the revenues of the see, and in order to enjoy these he must come to us, and obtain our approval, and if we don't like him we shall refuse him possession of those revenues.'''*

And this after the abolition of the union between Church and State! Truly there could not be a more striking illustration of the illusion that any so called free Church can really get away from State control.

* The *Congregational Year Book* for 1878, page 62.

LXVI.

Then is it a fact that there is no getting away, even in case of disestablishment, absolutely from State interference, supervision, and control in matters of religion?

That is so. If the Church were disestablished and disendowed to-morrow, she would still be subject to State interference and control.

For instance, the State would, if appealed to in case of differences of opinion, compel her to carry out her own trusts, enforce the observance of her own bye-laws, follow the order of her own prescribed services, and conform to her lawfully appointed ritual;* and if any matter of dispute arose, even on the most sacred points of doctrine, or the sacraments, or the mode or their administration, the State, would, through its law courts, still exercise supreme control in judging the question, and deciding on the matter in dispute.

Moreover the State would not allow the Church to enforce any bye-law on its members for the purpose of discipline, or otherwise, by which, as subjects of the realm, they might receive any social, civil, or pecuniary damage; and if such a thing were done, the State would, through its law courts, afford the proper remedy, to the aggrieved persons, and would see that they received compensation.†

The fact is, as we have already shown, so long as any religious

* It is impossible that any property should be either acquired or retained by a disestablished Church, or that its ministers should have any Churches to officiate in, without a jurisdiction in the State Courts to determine questions of doctrine, discipline, and ritual. Nor could anything prevent Parliament from legislating at any time, if it thought fit, so as to authorise the State Courts to review on the whole merits, or disregard altogether, any sentence whatever of any voluntary Church judicature. — *Lord Selborne*.

† The fact is, strict discipline is almost impossible in the state of modern law and society. It would be interesting to know how many persons the religious societies outside the Church have, during the past year, had the courage, where necessary, to "expel" from their Communion, and in how many of such cases the words "expel" or "expulsion" were used. A minister, even when acting in the name of the community he represents, can no more expel a member of such community without rendering himself liable to proceedings at law, for libel or damage to character, than can a clergyman repel a man from the Holy Communion without rendering himself liable to the Ecclesiastical Court.

body holds no property, has no Trust Deeds, and has no prescribed doctrine, form of worship, rules, or regulations, binding its members together, it is to a great extent, in religious matters, independent of State interference and control; but the moment a religious body holds property, has Trust Deeds, and has inserted in these Trust Deeds the conditions of the tenure of the property, the doctrines to be preached, the form of worship and the obligations to be observed by its officers and members; that moment, that body, in the sense stated, has placed itself under State protection, State patronage, and State control; and there is no possible getting away from it except in the way that has been indicated.

LXVII.

Practically, after all, is not the Church of England by reason of her union with the State, in the matter of making changes and alterations, more under State control than any of the different religious bodies outside her communion?

The Church of England may, by virtue of her union with the State, in the matter of making some changes in her services and arrangements, be under State control to a greater extent than that of any other religious Nonconforming body in the country. It would be strange indeed were it not so—because, being the ancient historical Church of the country, and the Church recognised by the State as the authorised representative of christianity in the land, her history is to a great extent the history of the State; her relationship is intermixed and intertwined with most of the institutions of the State, and therefore her facilities for modifying, altering, or reforming any things which in days past received the sanction of the State are naturally more involved, and less easily put in motion, than those possessed by Nonconformist religious bodies in affecting what changes they may wish to introduce.*

* Too great liberty in making changes may lead to making them for their own sake.

But the difference in this respect between the Church and Nonconforming religious bodies, is after all a question of degree, and detail, and not of principle; for the principle is this, that for the alteration of all or anything set forth in a legal instrument, whether in the Church or amongst Nonconformists, recourse must be had to the authority of the State; and the question is, the extent to which matters are set forth in a legal instrument in the Church as compared with the extent to which they are set forth in the Trust Deeds of religious bodies, and whether in this matter the advantage of security and reasonable freedom are not on the side of the Church of England. At least she is secured against rash changes, as full discussion must precede, and just cause must be shown for the carrying out of, every proposed reform.

LXVIII.

**Are the Clergy, as we frequently hear it stated,
“mere Servants of the State?”**

What is it that constitutes a servant of the State? We must have a test. In the case of a servant of the State, the State appoints to the office, prescribes its duties, pays the stipend of its servant, holds him directly responsible to itself for the performance of his obligations, and retains him in its service or dismisses him from his position at its pleasure.

Now in none of these respects are the clergy the servants of the State. The State does not appoint the clergy to their Benefices except when the patronage is in its hands; and then, having appointed them, it has no more power over them than any other patron has over his nominee, which is none at all. The State does not—any more than in any public trust—prescribe to the clergy their duties; it does not pay them their stipends; it does not hold them directly responsible to it for the performance of their work; and it cannot retain them in, or dismiss them from, their office at pleasure. So that if there be any sense in which the clergy may be said to be servants of the State, it is very

different from the sense that is so erroneously, but, it is to be feared, so prevalently understood.

The clergy, like all men who fulfil the duties of a public trust, are recognised in their official position by the State; and they, in their department, render important services to the State, by endeavouring to further the cause of peace, good order, the practice of morality, and the progress of true religion amongst the people to whom they minister. If the performance of such noble duties, and the furtherance of such good objects as these, for the temporal and spiritual welfare of the people committed to them, entitle them to be designated Servants of the State, then indeed they are so in the highest sense; but it is in every good work in the gospel of Christ. And in this respect and in this sense, may we not without any discourtesy venture to assert, as we have already shown, that ministers of religious bodies who are recognised by the State, and who by various Acts of Parliament have privileges conferred upon them, such as are not conferred upon other subjects of the realm—with the exception of the clergy and certain other privileged classes—are so far Servants of the State, and are answerable to the State for carrying out the duties of their office, owing to the assumed performance of which they enjoy their special immunities and privileges.

LXIX.

If the Church were Disestablished and Disendowed, would not her Clergy have more liberty in religious matters?

Let us enquire what is meant by more liberty in religious matters. Liberty to think what? to speak what? and to do what more than is now possessed? The clergy do not want liberty to believe what they disbelieve, to say what they don't want to say, to do what they don't want to do. You cannot speak of giving liberty to a man without supposing that he is in bondage. No man is compelled to enter the ministry of the Church of England. No man having entered it, and becoming dissatisfied with his

position, is forced to remain in it. There is full liberty to all to leave it should they feel disposed so to do. However much some of the clergy may feel that things in several respects might be better arranged* than they are now, it is presumed that in retaining their position in the ministry they do so purely of their own accord, and that whatever defects they may see in the external organization and administration of the affairs of the Church, they, on the whole, feel it "better to endure the ills they have than to fly to others that they know not of."

They do not expect perfection anywhere, and are not without hope of bringing about effectual reforms in things that have proved defective, or in sweeping away abuses that may have sprung up. Indeed, so far from the clergy being in bondage, they are practically speaking the freest of men. They have perhaps of all ministers of any Church, or of any religious body, the greatest amount of freedom of opinion, speech, action. Their position is more secure and more independent than any other body of religious teachers.

Indeed, it is often complained by those without, as well as those within the Church, that the Clergy have too much liberty, and that they are too little answerable either to their Bishops or parishioners for what they do. However, on this point we express no opinion, our point is, we do not hear many of the Clergy crying out that they are in bondage and praying for liberty. If they are in fetters they do not seem to be conscious of it, but walk about in their alleged chains with remarkable ease. Indeed, they often look surprised if not amazed at the offer made to them of liberation; and not unnaturally ask "What bondage are we in?" and "if in bondage what bars our way of escape from it?" Is not the way out of the Church as free as the way in, and much freer?

So far from the separation of the Church from the State bringing about more personal ecclesiastical liberty to the clergy, it would undoubtedly place them under far greater restrictions than those

* In what religious body is there not a desire on the part of some of its ministers or members for some change with reference to certain subjects and arrangements?

to which they are now subject, and would abridge their liberty to a far greater extent than is supposed. All this has been experienced in the Irish Church, not only by the clergy, but by the laity, in which majorities now carry the day, and the opinions and wishes of large minorities are utterly ignored.

In so-called Free Churches, it is too often the case that the dominant party rules with recklessness, and shows no consideration for the views of the minority; besides the tendency is to become increasingly too restrictive, and too minutely prescriptive and exacting in relation to all ecclesiastical matters, until individual character and opinion are reduced within the limits of rigid rules, and the individual loses his robust, distinctive, and characteristic identity, in the reduced-to-rule, toned-down and wearisome sameness, of the narrowness and one-sidedness of an exaggerated ecclesiastical idea.

No, there is no ecclesiastical liberty like that enjoyed by the Clergy of the Church of England. The union of the Church with the State ensures the existence of an equilibrium of public opinion and influence, as well as a standard of general fairness and sense of justice, which guarantees to all schools of thought within the Church a reasonable and lawful liberty of opinion, of expression and of action, which they would hopelessly seek for, in connection with their present privileges, in any religious body outside the Church.

All this, apart from their present legally secured position of independence as to freehold of benefice, irresponsibility except to lawfully constituted authorities, and liberty of discretion in all matters which do not imply a violation of the law.

LXX.

But would not the Disestablishment and Disendowment of the Church confer greater freedom on the Laity of the Church?

That would be impossible. Their liberty in religious matters is far greater than it would be were they members of any voluntary religious society.

Every baptized parishioner can command the spiritual and ecclesiastical services of his Clergyman, as set forth in the Book of Common Prayer. He can do this quite irrespective of his discharging his own duties as a member of the Church. The Clergyman must marry him, baptize his children, visit his sick, and bury his dead, as he may be required, according to the rules of the Church, and all this, although the layman may never enter his parish Church, muchless acknowledge his responsibilities, or discharge any of his duties toward her.

Indeed there are scarcely any limits to the liberties of a layman in the Church of England. In his religious opinions, he has the greatest latitude; in his public worship of God, he has no end of liberty, he may go to what Church he likes, to a Nonconformist Chapel, if he prefers it, or to no Church at all if he thinks well; and all this without forfeiting his right to the spiritual and ecclesiastical services of the Clergyman of his parish! We may well ask in what Church, in what religious community does a layman possess such freedom as in the Church of England, as she now is; and where could he go to enjoy greater liberty in religious matters? No religious body in existence would allow its members anything like the liberty and privileges possessed by members of the Church of England with so little recognition of obligation, and such a minimum of exacted discharge of duty in return.

LXXI.

Is it not said that the Disestablishment and Disendowment of the Church would bring about a state of religious equality; that it would put the Church and the Nonconformists on one common footing, and for that reason, if for no other reason, it is greatly to be desired?

No negative or affirmative Act of Parliament can compel people to hold each and every religious opinion in equal esteem,

any more than it can compel people to hold all political opinions in equal esteem. All people must necessarily share the honour or odium, if such there be, attaching to the opinions that they hold, whether in reference to religious, political, or any other subject. No Acts of Parliament can alter the law of public opinion. Institutions which are ancient, traditional, historical, and influential, and which are doing a good work, will always, as a rule, except in times of revolution, command more respect, esteem, and reverence from the people, than institutions, however good and efficient they may be, which are comparatively of yesterday; and this is so especially with regard to religious institutions, and is still more especially so with reference to the Mother Church of England, compared with the numerous voluntary religious bodies, which through various circumstances have differed from her and separated themselves from her. No Act of Parliament disestablishing and disendowing the Church could alter this. You could no more, in this respect, bring about by Act of Parliament religious equality, than by the same means you could bring about commercial, political, and social equality.

It is true there might be an Act of Parliament passed, taking away from the Church, so far as the State is concerned, all precedence, prerogative, and privilege which it possesses over and above any religious body in the country. But, even were this so, it is doubtful whether it would not remain a dead letter, for you could not take away from the Church her history, her traditions, her prestige, her influence, and her power. The richest and poorest would still in their private capacity give her honour and precedence above all other religious bodies. What men do privately they would soon do publicly, and if religion were in any way to be recognised on public State occasions, the Church of England, even though disestablished, as the ancient Church of the country, would probably still be the natural medium through which it would be so recognized.

LXXII.

Is not the present state of defective discipline in the Church and the existence of the lawless spirit of individualism exhibited by some of her ministers and members, to be ascribed to the union between the Church and the State, and would not the true remedy for these be Disestablishment?

However much we may complain of the lack of godly discipline in the Church of England as an established and endowed Church, in looking round upon other communions, we hear them complain of the same evils; showing that non-union with the State is no guarantee against them, and no effectual remedy for them.

The Rev. Hugh Stowell Brown says *—"We all know that Church authority is at low water-mark. For these last forty years in the wilderness the forms and meaning of ordination services, and Church appointments, have been dying out. Individualism, independence, and liberty are the idols of the day."

In speaking on the same subject, the Rev. Joshua Harrison, as chairman of the Congregational Union, at its Autumnal Assembly in 1870, says †—"Absolute freedom to think and do as each man pleases is beginning to be the law of society, and any oversight, any restriction, by either pastor or Church, is considered a piece of intolerable assumption, an impertinent interference with the liberty of the individual. We believe that this spirit of the age is not the spirit of Christ, and we are sure of this, that if our Churches cease to witness for spiritual life as the basis of fellowship, for separation between the Church and the world, and for purity of communion, there is no reason why, as distinct communities, they should continue to exist at all. We, therefore, hold with all our heart to the fundamental peculiarity of our Churches, and we are persuaded that herein we have the mind of Christ."

* *Baptist Handbook*, 1879, page 48.

† See *Congregation Year Book*, 1871, page 61.

LXXIII.

Would not the Disestablishment of the Church lead to a greater development of the voluntary principle than is possible in an Established and Endowed Church?

We have already shown that the present property of the Church of England is the outcome and result of the voluntary principle. For the Church recklessly to throw away or to stand heedlessly by while others take from her the free gifts of her members in days past, with the hope that her disendowment would prove a greater incentive to voluntary liberality toward her by her members in the present day, would be something like a man throwing away his present possessions with the illusory hope that some liberally disposed people might be prompted to commiserate his poverty and enrich him in some other way.

There is nothing in the Church of England as an Established and Endowed Church to hinder the outflow of Christian liberality. We are borne out by facts when we say that whether we judge the question from the voluntary liberality of the past, which has been the source of her present endowments, or the very great liberality of her members in the present, from which new endowments are springing up for the future, the Church of England is the most voluntary Church in the world. At least the liberality of Churchmen, while still members of an established and endowed Church, will in every department of Christian work bear a favourable comparison with that of all other religious bodies put together outside her Communion.

In a paper, read by Mr J. Carvell Williams, chairman of the Parliamentary and Electoral Committee of the Liberation Society, at the meeting of the Congregational Union of England and Wales, 1872, he says—"Speaking at a recent religious anniversary, the High Sheriff of Cumberland said that a great many men in that county were getting money in hatfuls; on which the Bishop of the diocese corrected him, by saying, 'In

barrowfuls.' And almost everywhere our upper and middle classes, at least, have in recent years been growing richer than any other class—how rich, we can only guess by what they spend on houses, carriages, and servants, and only known for a certainty when their wills are proved at Doctors' Commons. Many Nonconformists have shared in the general prosperity, but not very many have made the fact evident by their augmented gifts for the support of religious institutions." *

LXXIV.

If the Church were Disestablished and Disendowed would there not be a greater inducement to the educated Laity to engage, and take their fair share, in all Church work?

As a rule we do not think the educated laity, in cases where their help and co-operation are properly sought by the clergy, show any want of interest in the work of the Church. There is abundant proof that this is so, but were it otherwise we do not think that disestablishment and disendowment would in this respect effect any improvement.

We know not indeed what state of things might exist in the Church under the altered circumstances of disestablishment and disendowment; but we are not without evidence as to how far the accident of non-union with the State secures the help and co-operation, in religious work, of the educated classes in communities outside the Church of England.

In a paper read by the Rev. John Bartlett, at the meeting of the Congregational Union of England and Wales, 1870,† he says—"If we look round upon our Churches, I think we shall find that, so far as practical sympathy or actual work is concerned, it is not the young of whom we have to complain so much as the men of riper age; not the inexperienced so much as the men of mature judgment; not those who must work if they would eat so

* See *Congregational Year Book* for 1873, page 128.

† See *Congregational Year Book*, 1871, page 44 and 45.

much as the well-to-do in the world; not those whose early advantages were few so much as the better educated. In other words, the power lying dormant is that which is socially and intellectually, and ought to be morally the highest.

"Now, it is all very well to say that education, social position, experience, etc., are as nothing compared with the possession of real spiritual life. The question is not between spiritual life and education, etc., but between spiritual life with all these advantages as instruments for its work, and spiritual life limited, enfeebled, and harassed, by the lack of these things.

"Analyse our list of workers. Our Sunday school teachers, are they not for the most part the young? Our village preachers, tract distributors, and sick visitors, are they not men and women who know the full meaning of the law, 'Six days shalt thou work?'

"We complain of our week-night services, but they are chiefly sustained by those who spend the day working with their hands. We mourn over poorly-attended and uninteresting prayer-meetings; is it not largely the fault of the men whose non-attendance is sure to affect others as an example, and who could, if they would, lead the devotions of the Church with a propriety and variety that would be both attractive and profitable? Oh, yes! I know there are exceptions, and that which is the exception ought in this case to be the rule.

●"Now, what is the explanation of the inactivity and practical indifference of the class to which I have referred—professional men, merchants, manufacturers, and well-to-do tradesmen? How is it that so few such are found serving Christ in the Church? Have they no ability? Some of them so plead—men who can stand before assemblies, speak (and speak well) upon political and social questions, or as the advocates of benevolent objects. Have they no time? So some of them say. Yet they can find time to be town-councillors, mayors, guardians of the poor, chairmen and managers of public institutions. How true it is, in reference to spiritual work, that men 'begin to make excuse!'

"There is a worse phase still. Some of these men have risen in the world, and in their earlier and less prosperous days were actually engaged in Christian work. Nay, more; the very habit of attention and facility of thought and speech, by which they are now so helped in their worldly position, were acquired in the service of the Gospel; but as they prospered, so they spread out in other directions, and withdrew from the service of the Lord who prospered them. They have become public men, and have no time for work distinctively Christian."

LXXV.

Would not Disestablishment and Disendowment lead to greater spirituality amongst the Members of the Church, and would it not prove to be the sure antidote to the prevalence of the worldly spirit in her Communion?

Worldliness or the worldly spirit is not necessarily engendered within the Communion of an Established and Endowed Church, nor is true spirituality of mind and character necessarily guaranteed within the fold of an unestablished and unendowed religious community. Human nature is the source of the one, and the grace of God is the origin of the other, entirely apart from the external accidents of the Church to which we belong, and of which we are members, being in union with the State or otherwise, or being entirely dependent on voluntary contributions, or partly so and partly on endowments.

That worldliness and unspirituality are no necessary peculiarity of Established and Endowed Churches, and that a Free Church is no guarantee against their prevalence, we need only quote the weighty and serious words of the Rev. Dr. Aveling, in his inaugural address to the Congregational Union of England and Wales, on the subject of "Within the fold." *

He says—"It is becoming a growing peculiarity of these times to be content with one service a day—the morning. The

* See *Congregational Year Book*, 1877, pages 64, 65 and 66.

rest of the Sabbath is spent—well, how? Always in the perusal of books of a devotional character? In visiting the sick? Catechising or teaching the family? or, like the good shepherd, going after wanderers? Alas! a large portion of such presumed Christian homes would, I fear, reveal a rather unsatisfactory state of things if their walls could speak. Late dinners with some; with others the reception of visitors; with not a few a jadedness from the previous week's overwork; a slight shower of rain, or an easterly wind—these are made excuses for absence from the evening services. Is this right? One hour and a half out of the one hundred and sixty-eight of the week, is all that these Christians can spare for public worship. Is this keeping holy the Sabbath *day*, when only a fragment of the morning is all that is devoted to God's ordinances? Is it a wonder that so little Scriptural knowledge is possessed, and that the piety of the Churches is of so feeble a character? Do not the words of the old prophet seem to roll forth afresh from the depths of the oracle as if anticipating this very state of things, 'Cry aloud, spare not, lift up thy voice like a trumpet, and show my people their transgression, and the house of Jacob their sins.' Our week-night services are discreditable to the majority of our Churches; how few are found at them, especially how few men!

"I. Our *prayer meetings* are neglected by some because their taste is offended if they happen to hear ill-expressed petitions from those who take part in them. Now those objectors rarely, if ever, pray in public themselves. Is it quite fair for them to speak hastily of those who do their best, when they themselves do nothing at all? And why is their judgment so hostile, and so strongly pronounced, when their opportunity for judging is scarcely once in a twelvemonth?

"II. *Church meetings* are conspicuous for their miserable attendance. In London few members know those who come or depart from their midst. Many seem to take no more interest in the increase of the Church at home, than they do in the progress of the gospel abroad. Such coldness and indifference are dis-

heartening to a pastor. How can it be expected that there should be anything like life among a people when the helps to the creation and maintenance of life are so coolly neglected?

"There is, I fear, a great deal of looseness in the notion of some amongst us as to the nature and obligations of membership. It may be sometimes assumed with too little thought, but it is certainly laid aside with far less. Every Church of any size—especially in London—knows that the word *withdrawn* is written against the names of many on the roll of members to indicate the retirement of such person from fellowship, generally without one word of explanation or regret; so that whether they be living or dead, in communion with other Churches, or again in the world, we know not."

In deploring the worldly spirit which it is alleged leads Non-conformists to prefer being married in the Church of England, the Rev. Dr. Aveling says *—"It is not unnatural to expect that our hearers will, on these occasions, avail themselves of the opportunity of receiving a nuptial blessing from the lips of their own pastor. Who so likely as he to be interested in them? No mere stranger could look on them with that affection and sympathy which he feels for them, from frequent intercourse, so that I confess when I hear of our members leaving their own sanctuary, where they have worshipped from childhood, and which has been to them, at times, 'the gate of heaven,' to go to a Church of another communion (it is always the Episcopalian that exercises its fascination over them) many of whose members and most of whose teachers repudiate our ministry, I hardly know which feeling predominates—regret at the inconsistency of our people, or indignation at the implied, though perhaps unintended, insult to their own minister.

"As those who act thus cannot be so ignorant as to suppose that the marriage would be more legal in the Church they select, we are obliged to infer that they cannot resist the social pressure that is brought to bear upon them, by members of the

* See *Congregational Year Book* for 1877, page 112.

dominant sect, who look upon Nonconformists as occupying a lower social position. Are they not encouraged to do so by these acts of conformity to fashion on the part of our own people? Are not clergymen abetted in their own arrogant assumptions by Dissenters going to them to be married; and led to think our people have some misgivings as to the capacity or efficiency of their own ministers? Though why it should exist in connection with the marriage rite, any more than with the preaching of the gospel, I know not."

The Rev. Wardlaw Thompson, in a paper read before the Congregational Union, 1876, says*—"Hitherto the rich have been a comparatively small and distinct class, and fashionable society has not been much known, at Congregational Churches. Now, however, there are large numbers of our people who have become sharers, in a greater or less degree, in the national wealth, and who have thereby been brought into contact with a mode of life with which men in the same station would have been strangers in the past. They have in their new social position come within the circle of that mysterious, undefined, but powerful organization known as 'society,' and are expected to conform to its law, commonly called 'fashion.' Society approves of pleasure, encourages expense, develops a sensitiveness to public opinion in matters of dress, of furniture, of food, of entertainments, and has a wondrous power of exacting obedience to its claims. And as there are in this new age many almost indefinite gradations from wealth to poverty, this mighty social influence is felt over a very wide circle, each grade feeling the influence of that above it, and striving to imitate it in all things as closely as circumstances will permit. This change in the conditions of social life is inevitable. Some regret it, they regret the loss of that homely, unostentatious friendliness, and of those simpler habits of life, which they say were characteristic of their younger days; but their regrets are altogether unavailing."

* See *Congregational Year Book*, 1877, page 154.

In a paper read before the Congregation Union, 1876, the Rev. D. Jones Hamer says*—"I can see that worldly society is willing to permit a man to acknowledge his allegiance to God; to join a Church as the declaration of that private and personal allegiance to God; but at that it steps in and says 'No further, you mustn't speak to your fellow member (so called) without a formal introduction. You must be decorous, repress all show of feeling, all enthusiasm;' and it threatens to stifle our Church life with a falsity which it calls 'respectability.'"

LXXVI.

Would not the Disestablishment and Disendowment of the Church ensure the entrance into the Ministry of more disinterested and self-sacrificing men, who would consecrate their talents, their lives, and their possessions, to the service of God?

All this is ensured in the present Established and Endowed Church. Never in the history of the Church were greater numbers of such men included amongst her ministers than there are at the present time. That not only the laity, but the clergy make large pecuniary sacrifices on behalf of the Church, and in furtherance of her work, we have only to quote the spontaneous and generous testimony of the Rev. Hugh Stowell Brown, of Liverpool, in his autumnal address, as Chairman of the Baptist Union, 1878.† He says—"In this form of voluntaryism, the Church of England sets us Nonconformists an example which we should do well to follow. The official stipends in multitude of parishes are totally unequal to the fair support of the ministry; but in many, very many cases, gentlemen of learning and of property are content and glad, for the Church's sake, to live and labour in such places, and, as far as money is concerned, to do far more for their Churches than their Churches

* See *Congregation Year Book*, 1877, page 152.

† See *Baptist Handbook* for 1879, page 69.

do for them. Why should there not be among us a considerable number of such men so employed? The voluntarism in which the people give the minister according to their means and his need, is simply a matter of justice; there is no more generosity in it than in paying a tradesman's bill. There is something really noble in the voluntarism of a minister who devotes to a Church, not only his services, but his private income. Rest assured, voluntarism will have more and more to take this higher form. The Church needs, and will need, not only men like Peter, who had to say 'Silver and gold have I none,' but also men like Barnabas, of the country of Cyprus—and so Cyprus has been good for something—who, having sold his land, laid the money at the Apostle's feet. Do you wonder that they called him 'a son of consolation?' Would that his example were largely followed—not literally in the sale of the land, and the putting of the money, without any check, at the disposal of the Church, to be perhaps muddled away no one knows how—but in making such a use of private property as, combined with the work of the ministry, would make the heart of many a poor Church sing for joy."

That a remarkable contrast to this state of things prevails amongst Nonconformist bodies, the Rev. E. R. Conder, M.A., testifies in a paper read before the Congregational Union, 1875. He says—"Among the Congregationalists of both sections, and also among Methodists, but a very small proportion of the sons of our wealthy families, or of our highly educated youths, sons of ministers excepted—are found consecrating themselves to the ministry of the gospel. Some are drawn away from us altogether by the attractions—to me, I confess, incomprehensible, but to them irresistible—of the State Church, though I am not aware that these often take orders. Others remain with us, and possibly become useful workers in our Sunday schools and other institutions, but devote their main energies to business." *

* See *Congregational Year Book* for 1876, pages 132-133.

LXXVII.

Would not Disestablishment and Disendowment be the best remedy for the present existing defects in our system of Church Patronage, and would not all abuses be swept away by allowing each Congregation to choose its own Minister?

Whatever defects may exist in our present system of Patronage, we are persuaded that their true remedy is not to be found in disestablishment and disendowment.

By disestablishment and disendowment some present abuses would no doubt be swept away, but only to give place to defects and abuses of an equally if not more serious nature incidental to other systems of patronage. As laity and Clergy, we must do all we can to remedy defects and reform abuses in our present system of patronage, or, if need be, seek some better plan of appointment to Benefices, in which the Congregation, the Patron, and the Bishop, would each have a voice; but be assured that whatever evils we at present complain of, we should find no remedy for them in leaving each congregation to choose its own minister. Those who have experience of that system are best able to speak of its results, and their following testimonies are certainly not encouraging.

In a paper read by the Rev. W. Braden, at a meeting of the Congregational Union of England and Wales, 1872,* he says—“Numbers of Churches are constantly in want of pastors, and *vice versa*. What methods have we of bringing the two together? The question sounds almost ironical, for it is notorious that we have no method, understanding by that word, system, order, regularity. What happens when a Church is announced as ‘vacant’? Everyone knows—our deacons most painfully. From all quarters come letters of recommendation to the authorities; some from brethren of popular reputation, and these produce the deepest impression. Yet it is possible, from the

* See *Congregational Year Book*, 1873, pages 106 and 107.

peculiar circumstance of the writers, from their accumulated engagements, &c., their words *may* be least trustworthy. Other letters are from personal friends of the desiring candidate, written out of pure commiseration, and at his request. The man may not be suitable, but good-nature cannot resist his appeal. Ministers also have been known to send vivid pen-and-ink sketches of their own inestimable virtues, accompanied by elegant photographs of their appearance, and a printed sermon, or scraps of eulogy from local newspapers. These cases I rejoice to add, are both rare and unsuccessful.

" But the point is this : from these recommendations a candidate often has to be selected. What can come of such a haphazard system? What can we expect? That the right man will get to the right place? By the good providence of God, he may. But the deacons and the Church, with that bewildering and increasing mass of letters before them, need very strong faith in order to believe it. Have we not, most of us, felt sceptical and incredulous when at ordinations and recognitions we have heard men so selected describe their convictions of a Divine call to that particular spot to service, when the fact is, that they themselves have moved heaven and earth, powers spiritual and temporal, clergy and laity, in order to get an introduction there. The unreality of our religious speech has many sad illustrations in this direction. Now the evils connected with this plan are obvious. I mention a few. There is no guarantee that the best or that right appointments will be made. Unfair advantage is given to some men over others, through their acquaintance with those who have the ear of the Churches. It throws modest sensitive men, unwilling to press their claims, into painful and unjust obscurity, while the pushing and the obtrusive, and not always the highest qualified, come to the front. It imposes a heavy and unnecessary burden upon the leading members of the denomination. It produces perplexity in the minds of Church authorities, and creates that eagerness in congregations to hear many men, which results in lengthened vacancies and ultimate divisions."

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Again the Rev. Stowell Brown, in his address as Chairman of the Baptist Union of England and Wales, contrasts the systems of patronage in the Church and Nonconformity in the following phrases:—"One other caution may not be out of place. It relates to self-flattering comparisons, more especially between our own Free Churches and the Established Church of this country.

"According to our ideal of a Christian Church, and which we believe to be that of the New Testament, its patronage and control by the State, exposes it to peculiar forms of worldliness, from which our own Churches seek to be exempt. But it is well to bear in mind that a Church is not *necessarily* a spiritually-minded Church because of its freedom in this respect, or because its organization is congregational, rather than parochial or national, or because it manages, independently of all other communities, its own affairs, elect its own ministers, raises its own funds, and determines its own membership. Neither is a Church *necessarily* a worldly-minded Church because the Crown nominates for election its chief ministers, and its congregations have little or no voice in the appointment of their pastors, and depend for their funds on tithes and endowments rather than upon their own voluntarily contributions.

"A brief extract which I made from a leader in the *Times*, three or four years ago, may both serve to enforce this caution, as well as to relieve a little the tedium of my own remarks—'Early this century, a well-known leader of thought, and still more a model of Christian character, Mr Shepherd, of Frome, was watching the march past of all the school children of his town, with their respective teachers and managers, on some festive occasion. He knew them all till one little squad baffled him. Stepping forward, he asked who they were. "We be a split from the Primitives," was the flag-bearer's answer. 'Ah! my good man,' Mr Shepherd replied, 'that's what we all are,'* 'A split from the Primitives!' Well spoken!

Again, the Rev. Hugh Stowell Brown says—"How critical

* See *Baptist Handbook* for 1879, page 79.

are the times when a pastor has to be chosen or deacons elected! What mutual forbearance is then needed! What suppression of personal likes and dislikes! What watchfulness against party intrigues! A Diotrephes loving 'to have the pre-eminence,' and 'prating with malicious words,' or a Demas who has lapsed into 'loving this present world,' or influential outsiders 'having itching ears,' or vain babblers like Hymenaeus and Philetus, or wanderers 'from house to house,' 'tattlers and busybodies,' 'speaking things which they ought not,' have often, at such and other times, like Alexander, the coppersmith, 'done much harm.' Owing to this schismatic spirit, Churches frequently long remain vacant. The congregation dwindles, hearers grow fastidious, rivalries spring up, and the influence which a godly pastor would exert, as much by his character as his preaching, is lost. The other day, the Bishop of Manchester, I observed, made reference to this weakness of congregationalism, in support of an apology he was offering on behalf of patronage. It was a fair *tu quoque* argument, and considering how much more may often be learned from those who find fault with us than from those who praise, his allusion to our short-comings will not, I trust, be without its use to ourselves." *

The Rev. Samuel Hebditch, speaking at the meeting of the Congregational Union, 1876, states†—"That the bond which holds some of our larger Churches together, is deficient in vitality and strength, is evident in the little they can *stand*. It is the storm that tests the timbers and build of the ship, and our Churches are not famous for their behaviour in rough weather. The removal of a few families, a case of discipline, an election of deacons; quite trivial events—the change of a hymn-book, the use of an organ or a gown, a little novelty in the order of service, or in the interpretation of a text, a slight, a tiff—have been the cause of trouble. Trifles which a healthy Church would treat as mere growing pains, in a weaker become serious and prostrating maladies. But the season most fraught with

* See *Baptist Handbook* for 1879, page 86.

† *Congregational Year Book*, 1877, page 145.

peril and with instruction to our Churches is that which we have come to call an *interregnum*. Too often it has been for the Church a season of humiliating self-disclosure; how much self-will, how little charity, how little understanding of essential principles, how little grace it has, is then too apparent. Then, especially, is seen the difference between the preacher's work and the pastor's. If the Church has been gathered, and held together by the preacher's power, with the power fails also the work. We all know of Chapels which, like the captives in Babylon, have had to weep over departed glories. Great preachers made them for awhile their centres, and they were thronged. The great preacher passes away, and a remnant only remains. We look for a solid fabric from all that noise of quarrying and building, and Tobiah's taunt is true—'A fox going up upon the wall breaks it down.' Such preachers act like the tide power; the attraction present, prosperity rushes on, like the bore of the Severn, in lunar springs; absent, it is low water indeed."*

LXXVIII.

Would not the choice of a Minister by the Congregation in a Disestablished and Disendowed Church be productive of greater unity amongst the people, and greater sympathy between them and their Pastor, and also contribute to the permanency of his position and the increase of his influence for good?

The Rev. W. Braden, in a paper read before the Congregational Union, on "Our Vacant Churches," says †—"All this makes us long for a better system, and to look round for a remedy. The nobler the conception entertained by Christian Churches of what a minister should be and do, the better it will be for both him and them.

* See *Congregational Year Book* for 1877, page 145.

† See *Congregational Year Book* for 1873, page 107.

"But have not many congregations very exaggerated and unjust notions on this subject? Is the ideal perfect? Is the standard set up, the spiritual excellence of the man, the strength of his character, the gift of edification that he possesses; or is it rather his power to attract by glitter, or eccentricity from other communities, and so fill the exchequer? Is it as a teacher sent from God that he is welcomed, or as a man who is likely to do the Church credit in the opinion of outsiders? Are not our congregations smitten with a mania for a popular preacher, and are not valuable men rejected because people are pitifully fastidious about minor and utterly insignificant points? I content myself with asking, not answering these questions. If there is any truth in them, then we cannot wonder at the present disturbed condition of our Churches. But out of these false and disastrous views, springs, I believe, that cruel and wicked practice known as *competition*—a practice not universal, but far too common. In any case the position of a minister preaching on probation is embarrassing. To feel that the audience is in a critical and not a worshipful or teachable mood, is painfully distressing, if not humiliating, to the candidate; and he can be delivered from a wretched self-consciousness only by a perfect reliance on God, and the determination to preach for men's souls and not their votes. Yet all this is increased a hundred-fold when the man knows that two or three others have preceded, and several will follow him; that comparisons, favourable or otherwise, are being drawn while he speaks. We hold this to be a wrong done both to ministers and the Church, and its bitter fruits, in dissension and strife, we have seen not once, but many times."

The Rev. Hugh Stowell Brown says*—"Let the preacher speak comfortably to Jerusalem, and his sermons are beautiful; but let him attempt to 'lift up his voice like a trumpet, and show God's people their transgressions,' and what of his sermons then? How petty and carping about little things does

* See *Baptist Handbook*, 1879, pages 80 and 81.

this self-indulgent religionism often become? Nothing pleases it. Sermons are too long or too short, too doctrinal, or too practical! Pastoral visits are too few or too exclusive! Weather too hot or too cold for attendance! This pew or that pew too near or too far from the pulpit, too draughty or too stuffy for self-indulgent hearing! Is not this a 'spirit of the world' which often produces much spiritual deafness, causing members of Churches to be 'dull of hearing, when for the time they ought to be teachers of others?'"

In speaking of the frequency of ministerial changes, the Rev. W. Braden states *—"It is affirmed that the pastoral relation is regarded as less binding and sacred than in former years, and that it reveals itself in those numberless removals which are becoming a characteristic of our denomination. Some unkind satirist has set afloat the saying that one-half of our ministers wish for a change, and the Churches would be glad if the other half would change. Those summary statistics we hope are altogether unreliable. But it has been seriously asserted that on an average our pastors remove as often as the Wesleyans, *i. e.*, once in three years. This statement, however, I believe cannot be verified. But the following fact is worthy of consideration: The Year Book for 1872 tells us that in 1870-71 there were no less than 137 removals, *i. e.*, of ministers who left one sphere of service for another, and 73 temporary resignations, making a total of 210 changes. Now, taking the available ministerial staff in general numbers at 2,000, we have a move all round once in less than ten years. Possibly it would be dangerous to draw any specific conclusions from such statistics, but they undoubtedly illustrate the fact that short pastorates are becoming very common. The writer himself, after a short residence of some four years in a county, became, with only three or four exceptions, the minister of longest standing, both among the Baptists as well as the Independents."

* See *Congregational Year Book*, 1873, page 104.

LXXIX.

Would not the absolute dependence, in a Dis-established and Disendowed Church, of the Minister on the Members of his Congregation, for the whole of his stipend, lead to their expression of greater liberality toward him as the man of their own choice ?

This question is best answered by the replies that can be given to another enquiry, namely—"What is the general or prevalent measure of liberality toward the ministry amongst unestablished and unendowed religious bodies whose congregations have the choice of their own ministers."

Mr J. Carvell Williams, chairman of the Parliamentary Committee of the Liberation Society, than whom there is no more experienced and competent witness with reference to the excellences and defects of pure voluntarism, thus testifies*—"The finances of a Church are commonly exclusively in the hands of deacons and treasurers, who are sometimes apt to regard the financial department as an arcanum into which non-official eyes must not look. A feeling of delicacy closes ministerial mouths, and when the minister is silent, lay modesty will often prevent other mouths being opened. And of course if Churches know little of their own financial affairs, they are likely to know less of those of other Churches, for mutual reticence is in this matter almost regarded as a virtue, and anything like a prying spirit would be resented as much as direct interference.

"It is surely time to abandon this reserve, and to place the topic in the category of practical questions which must be dealt with, if we are to make progress, or even to hold our ground as religious communities; for it affects, not the comfort merely, but the efficiency, of both ministers and Churches—of ministers, not only because of their personal interest in the matter, but

* See *Congregational Year Book*, 1873, pages 124 and 125.

because, while they are supposed to be free from responsibility in regard to the management of Church finances, they are sure to be sufferers in various ways from financial mismanagement.

“ And though it is possible to conceive of a Church full of spiritual life and energy with a poorly filled treasury, yet if the scantiness of the supply is the result, not of the poverty of the people, but of the bad system or the no-system adopted for the raising of the required funds, it is almost inevitable that there should be debt and difficulty, accompanied sometimes by recrimination and discord. Do we not know some congregations which are reputed to be wealthy, and which on special occasions display a noble liberality, but yet find what are called their ‘ incidental expenses ’ are a perpetual source of difficulty ; while there are others which make it a matter of pride to collect largely for foreign missions, but inadequately support the ministry at home, or fail to discharge other local obligations ? ”

Further, the Rev. Guinness Rogers, B.A., in his address as Chairman of the Congregational Union for 1874, says *—“ To refer to ministerial incomes in this connection may appear to some an unworthy condescension to material considerations. But unfortunately ministers cannot, any more than other men, pretend to an absence of material wants, and cannot afford therefore to be unconcerned as to the way in which they are to be supplied. Very much more depends on the happy solution of the financial problems which they have continually to face than is evident on the surface, or than would be expected by those who talk jauntily about what presses so very lightly upon themselves. Nothing is cheaper than the suggestion that thoughts about the amount of their income are too mundane to have a place in the minds of those who are working to save souls ; but no work can be done unless the health and strength of the worker be maintained, and ministers have not yet found any means of doing this without money. Social position and comfort are amongst the least things involved in this question of

* See *Congregational Year Book*, 1875, page 88.

income. Freedom from harrassing and lowering care, deliverance from the incessant frets so destructive of all mental force which impecuniosity must entail, calm of spirit and concentration of thought, more abundant opportunities for intellectual cultivation, and last, but not least, the joyous feeling which is produced by the assurance of a people's attachment, expressed in this loving ministry to their need, are benefits which our pastors may hope to enjoy from increased thought and generosity in relation to these wretched material things on the part of their people. If the one think more, the other will be glad to think less. One thing is evident at least, that if Churches which are content to give their ministers incomes which a high-class artizan would despise, yet expect them to be men of proved ability and experience, they have the unjust spirit of one who would reap where he had not sown, and gather where he had not strawed."

The results of making a minister entirely dependent on his congregation for support could not be better described than as set forth in the address of the Rev. Hugh Stowell Brown to the assembly of the Baptist Union.* He says—"Some may think that it is well for the minister to be entirely dependent upon the Church. If this be his position, the Church can muzzle him, suppress the free expression of his thoughts, keep him in the ruts of what is called orthodoxy, and get rid of him when his leaving is thought desirable. Now such a condition of dependence appears to me unwholesome for both the Church and the minister. It may make the Church tyrannical and contemptuous, the minister timid and hypocritical. If it do keep him in the ruts of orthodoxy (though I do not see why the minister ought not to be a better judge of what is orthodox than the Church is likely to be)—but if this condition of utter, not to say abject, dependence, preserve, if not the soundness of the minister's opinions, the orthodoxy of his words, what may it not do? If his dependence make him afraid of uttering an opinion that the Church, or some leading member of it, thinks unsound, it may

* See *Baptist Handbook*, 1879, page 67.

make him equally afraid of introducing into the Church some much-needed improvement, of appealing to the Church on behalf of some good cause, of rebuking some fragrantly sinful act. No! although dependence, helpless dependence upon the Church, upon its will, its whims, and its passions, is the position, and I fear the unalterable position of many ministers in our denomination, and in some others, I hold that it is not, either for the Church or the minister, a desirable position, and wish with all my heart that we all had some means of our own, whether derived from property or from business. I believe that the Churches would none the less respect the ministry on that account. Did you ever hear of Englishmen, Christian Englishmen, of the most pious Christian Englishman, who respected anybody the less because he was not poor?"

In contrasting the positions of the Clergy with those of Non-conformist Ministers, the Rev. Hugh Stowell Brown further says—"It is true that 'if any man work not, neither should he eat;' it is equally true that if any man eat not, neither can he work, and although I trust none of our ministers are in such wretched circumstances as to be short of bread, many of them are so poorly off, that I wonder they have any heart for work left in them. 'The cares of the world,' as well as 'the deceitfulness of riches,' 'choke the word, and it becometh unfruitful.' It may be objected that independence would make ministers lazy. In reply to this, I would say that, in secular life, the men of independent means are not the most indolent; on the contrary, they will, I think, be found to be the most industrious. A man who loves his work will not be indolent, however rich; and a man who does not love it will not be industrious, however poor. Let us test the matter by an appeal to facts—to what, at least, I think we may accept as facts. To a large extent the clergy of the Church of England are not men of independent means, but men who, for their incomes, do not depend upon the will of their congregations. Indolence on the part of most of the clergy of the Established Church would not diminish their incomes; diligence on their part would not increase them. If they spend

their lives in utter idleness, they do not get a penny the less; if they work like slaves, they do not get a penny the more. Well then, with this plentiful scope for idleness, and in the absence of all pecuniary inducement to diligence, how stands the case? From what I see, from what I hear, from what in various ways I learn, I cannot but think that the clergy of the Church of England are, as a rule, inferior to no other ministry in the matter of diligence; many of the most independent among them work quite as hard as any of the most dependent among us. And indeed the work that a minister may do, just because need drives him to it, is not likely to be of a very high order."

LXXX.

Would not the Disestablishment and Disendowment of the Church get rid of the Parochial system, and therefore lead to greater freedom and more competition in the erection of Churches?

The Parochial system, which confides to a given clergyman the spiritual charge of the whole population within a limited area, and confers upon him, within that area, the exclusive power of preaching the Word of God and administering the sacraments, is a system coeval with the Church of England herself. It is a system which, though it may be attended with some drawbacks, possesses very great advantages, in that it aims, through its central parish Church and resident Minister, at securing for every one in the parish provisions for public worship, the means of grace, and the performance of those religious offices which it is the special privilege of the Church to render to her members in joy and sorrow, in life and in death.

To say that the ancient Parochial system of England was not equal to the strain to which it was subject, at the end of the last and during the earlier part of the present century, in the face of the altered circumstances of the country and the immense increase of the population, is no reproach to that system in

itself, but rather a reflection on those who had charge of its working, that they did not at an earlier date render it more elastic, and seek to adapt it, as has lately been done through the various Church Building and new Parishes Acts, to the current wants of the Church and the nation.

But taking the Parochial system as it now exists with all provisions for prudent and well-advised expansion, we cannot see that there is much to complain of as to liberty in Church building.

It is quite true that the most suitable clergyman may not always be appointed to a given parish, and that sometimes it may happen that there may be considerable lack of harmony, in doctrine, and ideas of public worship, between pastor and people; but these are only drawbacks to which all systems are subject, and from which the most perfect in theory are not free.

We believe that the abolition of the Parochial system would be one of the greatest calamities which, in religious matters, could be inflicted upon the people of England.

Those who regard themselves as suffering any inconvenience from the defects arising out of it, may well learn a lesson of contentment from a knowledge of the state of things which, at least comparatively, exists amongst some unestablished and unendowed religious bodies who are free from its restraints, and who are at liberty to build places of worship how and where they may please.

The Rev. Hugh Stowell Brown says*—"In many a small town, the existence of two, three, or four struggling Baptist Churches, instead of one with some power in it, is a folly, a weakness, and in some cases a scandal. In such instances it is very desirable that, in the spirit of Christian wisdom and forbearance, our brethren should cast their wretched little differences to the winds, and cordially unite, and so become strong. And if a number of little Churches, three or four situated within as many miles of one another, in a thinly-

* See *Baptist Handbook* 1879, page 76.

peopled district, were to agree to have one minister, with one or two youthful apprentices, it would be in every way a great advantage. As to the independence of which we are so proud, and which so often means dependence upon some charitable society, surely three or four Churches welded into one would be quite as independent, when united, as they are when standing apart."

The Rev. J. H. Millard, Secretary to the British and Irish Baptist Home Mission, in his Annual Report to the Baptist Union, says*—"Whilst in some villages there are two Nonconformist, and even, I regret to say, two Baptist Chapels, there are still 67 villages (or nearly one-third of the whole,) with populations ranging from 50 to 600 each, without any Nonconformist Chapel at all. Of the numerous Baptist Churches also, not one-half are able to support a pastor, and still less able to spread the Gospel in the neighbourhood around, while their total contributions to foreign missions barely amount to £200. There are only 28 pastors for 65 Churches."

The Rev. Major Paull says†—"I was, one Sabbath evening, being driven into a village of some 300 inhabitants, where I had engaged to preach, when, as I entered the green, I saw to my surprise three Chapels all in a row, and ablaze with oil-lamps. On asking which of these was to be my sphere of duty, I was told neither, and that the Independent Chapel was further down the street. I need not say that I had a scanty audience, although my informant told me, with evident pride, that it was the best of the four, and accompanied his statement with sundry depreciatory remarks upon the quality of the other congregations. In another village, of similar size, there was a Chapel in a fairly-thriving condition. A difference arose on the subject of baptism, when the weaker party immediately seceded, and erected a new building. The usual disastrous consequences ensued. . . . In two or three cases new Chapels have been built, either oppo-

* *Baptist Handbook*, 1879, page 90.

† *Congregational Year Book*, 1871, page 121-2.

site or in close proximity to those previously existing; and now, instead of one well-filled Chapel, there are two miserably attended, and with the near prospect of extinction. Brethren, these things ought not so to be. I feel it a humiliation even to speak of them. But they are facts too patent to be denied or concealed. . . . Much of the strength of the Churches is spent in mutual antagonism. Two or more Chapels being built where the population is barely enough for one, the only chance of existence is for each to try and strengthen itself at its neighbour's expense. I will not speak of the unworthy methods frequently resorted to for this purpose, but will only refer to the unhealthy influence which such proceedings must exert on personal and Church piety. They breed in all a miserable sectarianism, than which nothing is more inimical to the spirit of Christianity. Each minute fragment shouts, 'The Temple of the Lord are we!' And declares the claims of all others to be inferior, if not false. Zeal for the denomination, or for 'the interest,' takes the place of zeal for Christ, and love for those outside their own borders is hardly recognised as a duty. Growth in grace must be very difficult in such circumstance. A high development of piety must be wellnigh impossible. I am persuaded that much of the bitterness and narrowness of soul complained of in our country Churches, is owing to these unchristian rivalries. Equally baneful is the effect on the Churches. Their purity suffers. The strong competition tends to lower the standard of membership. In order to secure a new comer, and to prevent his going to the other chapel, he is admitted to communion on very imperfect evidence of his regeneration. The extension of the Gospel is also seriously retarded. 'The wrath of man worketh not the righteousness of God.' 'The fruit of righteousness is sown in peace of them that make peace.' The world has sufficient enlightenment to know that emulations and strife are not signs of the true religion, while men of right feeling instinctively hold aloof from contentious Churches. It creates a deep prejudice against the principles of Nonconformity. How seriously we are damaged, as Nonconformists, by the pre-

sent system, those only know who mingle in what is called 'Church society.' The most distinctive feature of dissent in the eyes of Episcopalians are its divisions, with the conflicts which grow out of them. The remark of the clergyman that 'Chapel's, little troubles, never came alone,' and that 'it never rains but it pours,' is too true. No sooner has one denomination planted itself in a village, and begun to prosper, than another appears on the stage. The rival speedily becomes an adversary. 'And where envying and strife is, there is confusion and evil work.'

"Now such exhibitions are unseemly and hurtful in the highest degree. That those who look on and condemn them have contentions within their own borders, neither affords us justification nor mitigates their censure. Indeed, local conflicts are, in the Established Church, largely prevented by the *parochial system*, which does not permit one clergyman to trespass upon the sphere of another. Can we wonder, when their system does hinder these evils and the voluntary system does not, but seems to encourage them, that they view ours as the inferior?"

LXXXI.

If the Church of England were separated from the State by Disestablishment, would there be any guarantee that the Sovereign of England, the Prime Minister, the Lord Chancellor, Members of the Cabinet, or any of our Judges or Rulers, might not be Roman Catholics—mere tools of the Pope of Rome—Mahommedans, or of no religion at all?

There would be no guarantee whatsoever that any or all of these things would not take place.

One of the objects of those who seek to disestablish and disendow the Church is, in their own words—"the abrogation of all laws and usages which inflict disability or confer privileges, on ecclesiastical grounds, upon any subject of the realm."

And in the scheme for the disestablishment of the Church, as

drawn up by the Liberation Society, twenty-ninth section, it is stated, "It is necessary to add, that there are also subjects which, though popularly associated with such a change, have no necessary connection with it. The most important of these is the succession to the Crown, under what is known as the Act of Settlement. The exclusion of members of the Roman Catholic Church from the Throne of Great Britain, is a political quite as much as an ecclesiastical question, and must be *dealt with on its merits*.* It was left untouched when the Irish Establishment was abolished, and may in like manner be left untouched when those of England and Scotland are disestablished also."†

Here then, in the case of disestablishment, would be a state of things which would be productive of not only ecclesiastical but political confusion. If all disabilities on ecclesiastical and religious grounds were removed from every subject of the realm, so that, being of the Roman Catholic or Mahommedan religion, or of no religion at all, would not prevent him from holding any office of State, from that of Prime Minister down to the meanest office in political life, or in the legal, military, and naval professions; how would it be possible to deprive the Sovereign of the liberty possessed by her subjects? So that really, in the case of disestablishment, there would be no guarantee whatsoever that the Sovereign, or any one holding office in the State, might not be the mere servant of the Pope of Rome, working as his instrument to bring the Crown and people of England again under his jurisdiction and control, in all things temporal, spiritual, and ecclesiastical, or perhaps openly profess disbelief in the Christian religion, if not even disbelief in the existence of a God.

* "*Dealt with on its merits.*" This is one of the most extraordinarily loose phrases that could possibly be used in a programme of such a Revolutionary character. An authorized definition of it would be very desirable. We confess we do not understand what is meant by it. Does it not indicate that the Society has not yet thoroughly matured its scheme for Disestablishment?

† In dealing with the disestablishment of the Irish Church it was not necessary to take into account the religious opinions of the Sovereign, because under the defined relations between the Sovereign and the Established Church of England that is provided for, but in the event of the attempted Disestablishment of the English Church the whole question would be thrown open and would have to be dealt with.

And so, even if special restrictions could, under such circumstances, be imposed upon the Sovereign, to meet the emergency, it would undoubtedly be an injustice; and of what use would it be, or what guarantee would it afford against the possible evil results indicated, when all the officers of State as such, as well as subjects of the Realm, strangely differing in opinion, might believe and do as they liked—accepting any religion or openly disowning all forms of religion whatever.

We do not for a moment think that the people of England are prepared for such an amount of confusion and civil discord, if not revolution, as disestablishment, even in this one respect, would very possibly bring about; and we believe that even some of those who are at present in favour of disestablishment, not having fully considered these serious results, will, when they more fully understand the issues, hesitate in proceeding further in the matter until they see their way clearly out of this grave difficulty, the solution of which the greatest advocates of disestablishment up to the present time have entirely evaded,* but appear willing to take a leap in the dark on so serious a subject, so long as they can carry out what, even in connection with this special result of their policy, may properly be designated their reckless theory of disestablishment, entailing national confusion, and possibly leading to revolution.

LXXXII.

What is the origin of Private Patronage; that is, how has it come to pass that private individuals can appoint Clergy to be Vicars and Rectors of parishes, without the consent of the Parishioners?

The origin of private patronage is very ancient. It stretches back to the far past, and dates from the first building of Churches, formation of parishes, and endowment of benefices.

* See sect. 29 Liberation Society's Suggestions as to programme for disestablishment.

Private patronage must not be considered solely from a modern stand point. It may not be the best system of appointment now, but it certainly was not unsuited for the circumstances and wants of the Church of England in the days that are past.

When the Thanes and landowners in ancient times built Churches on their own estates, for themselves and their vassals and all those who were dependent upon them, and provided endowments for the clergy who served such Churches, they often covenanted with the Bishop of the Diocese that they should have the privilege of nominating, or presenting to the Bishop, the Clergy who should serve them; subject of course to the Bishop's judgment as to whether the Clergy, so nominated or presented, were duly qualified for their office, were fit and proper persons to be appointed, and also to his instituting them, *i.e.*, putting them in formal possession of their benefices.

Nor was this arrangement unreasonable, considering that it was owing to the liberality of these Thanes and land owners that the different Churches had been built and endowed.

Moreover, apart from this, with the exception of the Bishop, they were perhaps the most competent, if not the most suitable persons, in those days, to have the nomination or presentation to the benefices which their munificence had created.

And indeed it is still the case, in many instances, in these days, that those who build and endow Churches stipulate for the perpetual or limited right of nominating or presenting to the Bishop their Incumbents, for the time being; and such a right is secured to them under the provisions of certain Acts of Parliament. The perpetual right to present to a benefice the Vicar for the time being, is called the advowson of the living, and is in many cases annexed to an estate or manor; in that case it is called an advowson appendant: when it is separated from an estate, and held by itself, it is called an advowson in gross.

LXXXIII.

If the Right to present to Livings or Benefices be a property as well as a Trust, and if the sale of such Right be legal, and cannot be put an end to without compensation, why cannot the abuses attendant upon such sales be prevented?*

Everything possible is being done, at the present time, to prevent abuses in this matter, and to bring about a state of things more consistent with the idea of the right of patronage being, at least primarily, a Trust. Parliament, the Bishops, the Clergy, and the public press, have all been much occupied with the subject, and have been considering various schemes for effecting this desired end.

By the exposure of abuses, and the ventilation of various schemes for their removal, the people generally have been very much enlightened on this matter; and public opinion is being rapidly formed in the resolve that these abuses shall, by judicious measures, be swept away.

But all reforms to be effective and permanent must be well considered, and not rashly entered upon.

The difficulty is, to devise a scheme that will have due regard to the proprietary interest of the patron of a living, and his consequent right to sell his patronage, and that will at the same time be compatible with the securing of a properly qualified and suitable Incumbent for a given parish.

In order to do this, some scheme must be devised by which the patron will be at liberty to retain his right to present, or his proprietary right to sell his patronage, as at present, but giving to the Bishop greater powers of refusal to institute, and the congregation or parishioners powers of vetoing the appointment, on their legally showing that the character, conduct, or qualifi-

* Committees of Parliament, and Convocation, have been for some time enquiring into this matter, with a view of remedying these abuses.

Private patronage must not be considered solely from a modern stand point. It may not be the best system of appointment now, but it certainly was not unsuited for the circumstances and wants of the Church of England in the days that are past.

When the Thanes and landowners in ancient times built Churches on their own estates, for themselves and their vassals and all those who were dependent upon them, and provided endowments for the clergy who served such Churches, they often covenanted with the Bishop of the Diocese that they should have the privilege of nominating, or presenting to the Bishop, the Clergy who should serve them; subject of course to the Bishop's judgment as to whether the Clergy, so nominated or presented, were duly qualified for their office, were fit and proper persons to be appointed, and also to his instituting them, *i.e.*, putting them in formal possession of their benefices.

Nor was this arrangement unreasonable, considering that it was owing to the liberality of these Thanes and land owners that the different Churches had been built and endowed.

Moreover, apart from this, with the exception of the Bishop, they were perhaps the most competent, if not the most suitable persons, in those days, to have the nomination or presentation to the benefices which their munificence had created.

And indeed it is still the case, in many instances, in these days, that those who build and endow Churches stipulate for the perpetual or limited right of nominating or presenting to the Bishop their Incumbents, for the time being; and such a right is secured to them under the provisions of certain Acts of Parliament. The perpetual right to present to a benefice the Vicar for the time being, is called the advowson of the living, and is in many cases annexed to an estate or manor; in that case it is called an advowson appendant: when it is separated from an estate, and held by itself, it is called an advowson in gross.

establishment of the Church candidly admits, in the 12th section of its scheme for disestablishment.

While alleging that public patrons of benefices, in the event of disestablishment, would have no right to compensation, it states in that section, that private patrons and others who can dispose of their patronage rights by gift, sale, or bequest, at their own pleasure, are in a different position. "*If it be objected that private patronage, equally with public patronage, is a sacred Trust, and not a property, it may be answered that—notwithstanding the existence of laws against simony—the Legislature has distinctly sanctioned the sale of advowsons. It did so when the municipal corporations were reformed, and were directed to sell their patronage. It has done so more recently, in passing the Lord Chancellor's Augmentation Act, (26 & 27 Vict., cap. 120), which authorised the sale of small livings in the gift of the Lord Chancellor, that the proceeds might be applied to enhance the value of the livings. Since that Act came into operation (Nov. 1, 1863), £222,759 have been paid by the purchasers of these livings; and were the Legislature now, on moral grounds, to deny to them some compensation for the loss of what they have purchased, it would be guilty of injustice. Rightly or wrongly, Church patronage in private hands has been treated, both by law and usage, as property, of which the holders cannot equitably be deprived without an equivalent.*"

LXXXV.

But are there not other abuses in the administration of the affairs of the Church, besides that of private patronage, on the grounds of which it is frequently alleged that the Church ought to be Disestablished?

Where is the institution—social, municipal, civil, or national, in which, in the process of time, abuses have not sprung up, to the detriment of such institution? But on the grounds of these abuses of administration, or defects of organization, have we demanded the abolition or destruction of such institutions? Have we not rather called for reform?

There have been abuses in our systems of municipal and parliamentary elections, but we have reformed them; we have not, because of them, abolished the franchise.

There have been abuses in the administration and defects in the organization of our municipal affairs, but we have not on this account sought to abolish our municipal Corporations; we have swept away the defects and abuses.

There have been abuses in the administration of our Endowed Charities, but we have not on that account abolished the Charities; we have reformed the abuses.

There have been abuses in the Army and Navy, but we have not on that account sought to abolish these institutions; we have endeavoured to apply the proper remedies.

We have had abuses in the Civil Service of the country, but we have not on that account sought to abolish it; we have re-organized it.

We have had abuses in the Houses of Parliament themselves, both Lords and Commons, but we have not on that account swept these institutions away; we have done away with the abuses.

Why then, on the grounds of the existence of abuses in the administration of the affairs of the Church of England, or of defects in her organization, should any one advocate or demand her disestablishment and disendowment as the National Church of England? Why should the Church, on the grounds of existing defects and abuses, be dealt with in a manner different from that in which every other institution or corporation in the country has been dealt with?

The Church of England does not claim, and never has claimed, freedom from defects and abuses. She knows too well that these spring up and cling to every institution, whether civil or ecclesiastical.

In her own words, in the preface to the Book of Common Prayer, she declares :—

“There was never anything by the wit of man so well devised, or so sure established, which in continuance of time hath not been corrupted.”

and again—

“It is but reasonable that upon weighty and important considerations, according to the various exigency of times and occasions, such changes and alterations should be made therein as to those that are in place of authority should from time to time seem either necessary or expedient.”

LXXXVI.

Why are there such inequalities in the Ecclesiastical incomes of the Clergy? For instance, is it not sometimes the case that in one parish the income is £1,000 a-year, and perhaps in the next it is only £250 or even less?

The inequalities have arisen in this way; if the tithes in both are rectorial, the area of the one parish may be large, and the other small; so that the larger the area of cultivated land, the larger the income derivable from tithes, and the smaller the area, the smaller the income which the tithes produce. Then a great deal depends on the titheable crops that are grown; for instance, a parish under hop cultivation will produce a larger income from tithes than a parish in which wheat, barley, and roots are the staple crop.

But there are other causes to account for the inequality. For instance, as we have said before, where a parish is a vicarage, it has, manifestly, been robbed of its rectorial tithes; and where it is or was an ancient perpetual curacy, it has evidently been robbed, both of its rectorial and vicarial tithes, and nothing remains but the small tithes attached to the perpetual curacy.

If the question be asked, why not make all benefices equal in value, or nearly so, our answer is—apart from the question whether such a scheme would be desirable—there is no power at present to carry out such a measure. Where the benefices of different parishes, whose incomes are greatly unequal, are in the gift of the same patron, whether the Crown, the Bishops,

trustees, or private patrons, it would not be difficult, we imagine, on the occasion of vacancies, to make some arrangement by which such a measure might be carried out; indeed such arrangements have already been made with respect to several such livings.

If the incomes from the endowments and tithes of the different parishes were, as they are often erroneously said to be, *National* property, then the nation could easily deal with them, and the equalizing process could be carried out at its pleasure; but the patronage of the benefices of the Church of England being in so many different hands, and possession of them held by many Corporations, it would be impossible forcibly thus to deal with them, without violating every right of property and rendering uncertain and insecure the titles of all public trusts and estates throughout the country.

Nothing, than this fact, can better show that the tithes and endowments of the Church are not *National* property, never have been, and never can be constitutionally dealt with as such.

The following passage will illustrate the foregoing chapter:—

“There was, indeed, one very considerable branch of the conventual revenues which ought, in justice, to have been restored to the Church. The religious houses had gradually but perseveringly encroached upon the parochial clergy, until they had deprived that useful body of not less than two-fifths of the tithes set apart for their maintenance. This grievous abuse had originally been accomplished by means of an engagement made by the monasteries, that one of their body should be sent to perform the duties in those parishes of which the tithes had been appropriated to the use of their house. But this arrangement was found productive of so little satisfaction to the parishoners, that it was eventually superseded by the appointment of a regular Incumbent, who, being presented by the society, and performing duties properly devolving upon its members, was termed their Vicar, or substitute. For the maintenance of this priest, either the small tithes of his parish, or some other endowment, commonly one very inadequate to the purpose, was set apart. The poverty in which were commonly plunged Vicars, and stipendiary Curates, had long been a matter of complaint and notoriety; hence it is not creditable to Henry's government, that the opportunity of remedying this evil afforded by the dissolution should have been overlooked. But either the heavy incumbrances under which the conventual estates came into the King's possession, rendered them much less productive

han had been anticipated, or the insatiate rapacity of those in power would not allow any description of property to elude their grasp. The suppression vested in the Crown all the appropriations of religious houses, and hence many of the best tithe estates have become irrevocably lay sees. Of this arrangement, it is not one of the least evils, that the largest cures are commonly the worst endowed. The conventual appropriators reasoned, that not only the tithes of an extensive parish were more desirable than those of a small one, but also that, in the former cases, a numerous population would augment the Vicar's resources, by employing him to say masses, and by placing within his reach various other perquisites. However, soon after the dissolution, the lucrative devices of superstition were exploded, and since that time the Vicar too often finds services of great responsibility, constantly requiring his attention, most inadequately remunerated. The lay impropriations are, indeed, the principle cause of the straitened circumstances in which so many of the English clergy pass their lives."—*History of the Reformation of the Church of England during the Reign of King Henry VIII.* by HENRY SOAMES, A.M.

LXXXVII.

In what sense are we to understand what is called the Royal Supremacy, or the Sovereign of England claiming to be, for the time being, as far, as is permitted by the law of Christ, the Supreme Head of the Church of England; and does the Queen's Supremacy extend over all civil and religious bodies as well as the Church of England?

By Royal Supremacy it is not meant that the Sovereign of England claims to be supreme in all religious matters, as against the Church of England, but as against the usurpation, supremacy, and interference of any foreign Bishop or potentate with matters civil or ecclesiastical within the Realm of England.

The very terms in which the claims to the Royal Supremacy of the Sovereign are set forth in the statutes, canons, articles, and injunctions, show clearly that such claim was made, not against the Church of England as such, but against the usurpation of any foreign jurisdiction, in civil, spiritual, and ecclesi-

astical matters; and particularly against the so long warped supremacy of the Pope of Rome.

The Sovereign of England claims to be supreme in all causes, and over all persons, as well ecclesiastical as civil.

Queen Elizabeth, in her Injunctions, 1559, explains this as meaning that the Sovereign of England, under God, has the Sovereignty and rule over all persons within her realms and dominions, of what estate, either ecclesiastical or temporal, soever they be, *so as no other foreign power shall or ought to have any superiority over them.**

The words of the thirty-seventh Article are clear and explicit enough—to all who will rightly understand them, and who do not deliberately pervert their meaning—in excluding from the claims of Royal supremacy any arbitrary interference with the inherent prerogatives of the Church, as a spiritual body, or with the offices of the Christian ministry.

The wording of the Article shows conclusively that Royal supremacy is simply a protest against the intrusion of foreign jurisdiction, in things temporal and spiritual, within the British dominions; and an assertion of the Sovereign's supremacy in the making of law—not arbitrarily but constitutionally,—in its administration, civil and ecclesiastical, and in hearing and deciding all causes which may thereout arise.

Hallam, in his *Constitutional History of England*, page 91, tells us that in the 1st Elizabeth, chap. I, the oath of supremacy was expressed as follows:—"I, A.B., do utterly testify and declare, that the Queen's highness is the only supreme governor of this realm, and all other her highness's dominions and countries, as well in all spiritual and ecclesiastical things or causes, as temporal; and that no foreign prince, person, prelate, State, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and

* See *The Clergyman's Vade Mecum*, page 23. 1707.

authorities, and do promise that from henceforth I shall bear faithful and true allegiance to the Queen's highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities, granted or belonging to the Queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm."

Further, Hallam also, pages 91-2, gives us the following authorized interpretation of the oath:—"A remarkable passage in the injunctions to the ecclesiastical visitors of 1559, which may be reckoned in the nature of a contemporaneous exposition of the law, restrains the royal supremacy established by this act, and asserted in the above oath, in the following words,— 'Her Majesty forbiddeth all manner her subjects to give ear or credit to such perverse and malicious persons, which most sinisterly and maliciously labour to notify to her loving subjects, how by words of the said oath it may be recollected, that the Kings or Queens of this realm, possessors of the crown, may challenge authority and power of ministry of divine service in the Church; wherein her said subjects be much abused by such evil-disposed persons. For certain, Her Majesty neither doth, nor ever will, challenge any other authority than that which was challenged and lately used by the said noble kings of famous memory, King Henry VIII. and King Edward VI., which is, and was of ancient time, due to the imperial crown of this realm; that is, under God, to have the sovereignty and rule over all manner of persons born within these her realms, dominions, and countries, of what estate, either ecclesiastical or temporal, soever they be, so as no foreign power shall or ought to have any superiority over them. And if any person that hath conceived any other sense of the form of the said oath shall accept the same with this interpretation, sense, or meaning, Her Majesty is well pleased to accept every such in that behalf as her good and obedient subjects, and shall acquit them of all manner of penalties contained in the said act, against such as shall peremptorily or obstinately refuse to take the same oath.*'"

* *I. Somer's Tracts*, edit. Scott, 73.

But it is too often forgotten, or altogether escapes notice, that the terms in which the claims of the Royal supremacy of the Sovereign of England is asserted, are not, as is frequently assumed, specially aimed at the Church of England.

The Royal supremacy, whatever may be comprehended in it, is claimed and asserted by the Sovereign for the time being:—

- I. Over *all the estates of the realm*, whether they be Ecclesiastical or Civil.
2. Over *all causes*, whether Temporal or Spiritual.
3. Over *all persons* within the Realm of England.

So that Nonconforming bodies, with respect to their buildings, Trust Deeds, doctrines taught, public worship, and other religious services, are equally under the Queen's supremacy as is the Church of England; though, for reasons which we have before explained, if that supremacy had to be enforced upon them, it would not be in the same Law Courts.

LXXXVIII.

Is not the assumption of the Royal Supremacy over the Church, and all estates of the Realm, an innovation in the history of the Church, dating from the time of the Reformation?

No; the investing of the Sovereign with Royal supremacy over the Church and all estates of the realm, at the Reformation, was but the resuming of an ancient Royal prerogative, which had been suffered to be usurped by the Pope, and when at the Reformation it was taken away from him, it naturally reverted to the Sovereign of the realm.*

The supremacy of all National Churches has been at all times vested in the Sovereign of the Kingdom for the time being, or has been usurped by the Pope, or has been held and exercised partly by both.

Hallam, in his *History of the Middle Ages*, page 339, tells us—
“Notwithstanding, however, the great authority and privileges

* See Bishop of Winchester's Exposition of Thirty-nine Articles, Article 37.

of the Church, it was decidedly subject to the supremacy of the crown, both during the continuance of the western empire, and after its subversion. The Emperors convoked, regulated, and dissolved universal councils; the Kings of France and Spain exercised the same right over the synods of their national Churches. The Ostrogoth Kings of Italy fixed by their edicts the limits within which matrimony was prohibited on account of consanguinity, and granted dispensations from them. Though the Roman Emperors left episcopal elections to the clergy and people of the diocese, in which they were followed by the Ostrogoths and Lombards, yet they often interfered so far as to confirm a decision, or to determine a contest. The Kings of France went farther, and seem to have invariably either nominated the Bishops, or, what was nearly tantamount, recommended their own candidate to the electors."

But the Sovereign who maintained with the greatest rigour his ecclesiastical supremacy, was Charlemagne. Most of the capitularies of his reign relate to the discipline of the Church; principally, indeed, taken from the ancient canons, but not the less receiving an additional sanction from his authority.

The following passage from Shakespeare will indicate how ancient has been the struggle between the Pope, and the Crown of England for supremacy:—

" *K. Philip* 'Here comes the holy legate of the Pope.'

Pandulph 'Hail! you anointed deputies of Heaven,—
To thee, King John, my holy errand is.
I, Pandulph, of fair Milan Cardinal,
And from Pope Innocent the legate here,
Do, in his name, religiously demand,
Why thou against the Church, our holy mother,
So wilfully dost spurn; and, force perforce,
Keep Stephen Langton, chosen Archbishop
Of Canterbury, from that holy see?
This, in our 'foresaid holy father's name,
Pope Innocent, I do demand of thee.'

K. John 'What earthly name to interrogatories
Can task the free breath of a sacred king?
Thou can'st not, Cardinal, devise a name
So slight, unworthy, and ridiculous,

To charge me to an answer, as the Pope.
 Tell him this tale; and from the mouth of England,
 Add thus much more,—
 That no Italian priest
 Shall tithe or toll in our dominions;
 But as we under Heaven are supreme head,
 So, under him, that great supremacy,
 Where we do reign, we will alone uphold,
 Without the assistance of a mortal hand;
 So tell the Pope; all reverence set apart,
 To him, and his usurped authority.'

—*King John*, iii., 1."

LXXXIX.

Why should the power of nominating or appointing the Archbishops and Bishops be vested in the Sovereign?

Within proper limits and safeguards conserving the spiritual rights of the Church, in whom else could it be more appropriately and safely vested?

To resort in these days to the most ancient method of appointment or election, namely, by the voice or vote of the people and clergy, would we fear, be productive of all the evils and abuses if not scandals arising out of a popular election, which we frequently see are the results of the appointment of a clergyman in parishes where the patronage is vested in the ratapayers or householders.

Besides, when that ancient method was in existence, the Church was not possessed of property, nor organized, established, and invested by the State with certain rights and privileges, as she is now; and moreover, even in those days, the Sovereign for the time being generally claimed the right to veto any appointment or election.

Then, it must also be remembered, that the Sovereign is not only the chief lay member of the Church, but is also the chief magistrate of the State, in whom is primarily vested the temporalities or revenues attached to the spiritual office of each Bishop; and in each case, after election and consecration by a

separate Act and Deed, the Sovereign confers upon each Bishop the revenues and temporalities attaching to his see.

Further, the appointment to a Bishopric is not simply the appointment to a spiritual office, but it is, from most ancient custom, the appointment of a Priest to be a Peer of the realm, with all the honours, privileges, and prerogatives attached to that position.*

Still further, it is not only the appointment of a person already ordained Priest, to perform the higher spiritual functions of a Bishop, but it is also the appointment of a Priest to a position, and to offices that are not of a purely spiritual character; such as an administrator of laws which have not only been formulated by the Church, but have received the formal sanction of the State—which has attached penalties to their violation,—and with the administration and execution of which laws each Bishop is invested, within the jurisdiction of his own Diocesan Court.

It will be easily seen then, that there is much to be said on behalf of the Sovereign being invested with the power of nominating, if not appointing, Bishops; subject of course to the Church having a real, and not a merely nominal power of veto, on just cause being shown that the person so nominated is disqualified or unfit for the office; with which power, in some carefully guarded form, it is hoped that the Dean and Chapter of each Diocese will in reality in due time be re-invested.

The present mode of appointment, which makes the Prime Minister responsible for the nomination, is no doubt a departure from the ancient personal nomination by the Sovereign, and in the minds of many Churchmen calls for some modification which will revert more closely to the original custom. Still, it cannot be denied that, on the whole, under the influence of healthy public Church opinion, the present system works well; and it is doubtful whether, under the working of a more perfect theory, we could obtain much better results.

* The Bishops of all ancient sees, except the Bishop of Sodor and Man, are Peers of the Realm and Lords in Parliament, and as such take precedence of all temporal Barons, the Archbishop of Canterbury being the first Peer of the Realm, taking precedence of all who are not of the Royal Family.

XC.

Does not the fact of the Queen being head of the Church of England, invest her with power arbitrarily to interfere with the Church's external and internal arrangements?

No; it invests the Queen with nothing of the kind. The Sovereign of England, by virtue of her supremacy or headship over the Church, has no more power arbitrarily to interfere with the Church's legalized arrangements, than has the humblest subject of the realm.

Whatever power the headship of the Church confers upon the Sovereign, it is a Constitutional power, and must be and is exercised in a Constitutional way. The Queen, of herself, has no power whatsoever to modify, alter, or exceed it.

The Queen is the head of Parliament. Without her authority it cannot meet for legislation, and without her signature its Acts cannot become law; but these prerogatives of the Sovereign confer upon her no power to interfere with its deliberations.

The Queen is the head of the Law Courts, but by virtue of her supremacy over them she has no power whatsoever to interfere with the office of the judge, or the administration or execution of the law, except in the exercise of mercy and the bestowal of pardon; and even this power she exercises according to the counsel of her Constitutional advisers.

The Queen is the head of the Church, inasmuch as Convocation is the great representative assembly of the Church, and one of the estates of the realm, and as such cannot meet in Session for deliberation on ecclesiastical affairs without her authority; but that being granted, she has no power arbitrarily to interfere with its proceedings.

So the power of appointing the Bishops is vested in the Sovereign, but having appointed them she has no power whatsoever, any more than any of her subjects, to interfere with the execution of their office or the discharge of their duties. No alteration can be made in the organization, order, offices, or

services of the Church, without the assent of the Sovereign ; but having given that assent she cannot interfere with the carrying out of that alteration.

No subject is more misunderstood, and more mischievously misrepresented, than the powers of the Sovereign involved in her supremacy or headship over the Church.

The fact is that the Sovereign's supremacy over the Church is not in any sense arbitrary, but is purely Constitutional, and as such it is not left to caprice but is accurately prescribed, limited, and defined, just as is her supremacy over Parliament and the Law Courts.

The Sovereign of herself, as head of the Church, could not arbitrarily compel a single Deacon, Priest, or Bishop of the Church, to exercise the functions of his office contrary to the prescribed rules ; could not interfere with the order of the services of the Church in any parochial Church or Chapel, and could not alter a single line or word in the offices of the Church, or in the Order for Morning or Evening Prayer, any more than she could compel a Nonconformist minister to exercise the functions of his office, interfere with the services in his Chapel, or alter the wording of his Trust Deed.

XCI.

Is it not reasonable to suppose that in the long course of years, changes and circumstances have occurred which have gradually led to departures from the original form of the Union between Church and State, and that in the present day some readjustment may be requisite ?

We cannot do better than give the answers to this and other questions on the subject in the words of the "Report of the Committee of Convocation of the Province of Canterbury," on the "Relations of Church and State." *

* For a copy of the conclusions of this Report we are indebted to the *Guardian* of February 19th.

The circumstances which point to the necessity of some re-adjustment, are:—

“ 1. The present state of the Church; firstly, its renewed life and activity; and secondly, the revived interest in, and study of, ecclesiastical history. The claims of the Church to have a voice in the regulation of its own affairs are now asserted in tones which no statesman can disregard. And the Church is year by year becoming a greater power in the country. It is spreading its organization in all directions; its conferences and congresses show that it is awake to the value and necessity of corporate action.

“ 2. The change in the idea represented by ‘the Crown.’ As has already been stated, the Sovereign has, in his relations to the Church, acted as the head of the ecclesiastical estate, as the governor and protector of the Church; personally he has been a Churchman, jealous to guard the rights of the Church, at least against all others, if not always against himself. Now, all this is changed. Personal government is practically abandoned, and our Sovereign governs by responsible Ministers, who are held in office by the will of the House of Commons, which in its turn reflects the ever-shifting sentiment of the popular majority. A division in Parliament on some question, perhaps, of foreign politics, may bring about a change of Ministry, and call into office men who, in their feeling towards the Church, or in their knowledge and appreciation of Church principles, may be utterly different from their predecessors.

“ 3. The essential change that has taken place in the composition of the House of Commons.

“ It is frequently said that the voice of the House of Commons represents in the Church of England that lay voice which, in the early Church, gave assent to the determinations of synods. It will, perhaps, be more true to say that it is the Crown, rather than Parliament, that answers to the assenting laity of early times, as when articles and canons are published by Royal authority. Parliament then will represent the State in its purely civil aspect, accepting legislative proposals from the

synods or from the Crown, and giving them the force of laws of the realm and the sanction of civil penalties. If this be a true account of the position occupied by Parliament in regard to the Church, it will be seen that the admission of an element alien to the Church of England does not affect the constitutional relations of Parliament and the Church. If the House of Commons represents the people of England (and undoubtedly its mixed composition makes it do so the more accurately), then it may rightly speak in the name of the people, and give or withhold civil sanction to ecclesiastical legislation. But it is one thing to sanction Church legislation—it is quite another thing to originate it, and carry it through without the concurrence of the Church. And the peculiar ground that hostility to the Church takes up in some quarters makes it well nigh intolerable that matters should remain as they are. We are told that the existence of an Established Church is, itself, an injustice to Dissenters, and that everything that tends to increase the usefulness of the Established Church adds to the injustice, so that reforms must be steadily resisted on the very ground that they would be beneficial. It is not difficult to forecast circumstances in which the political necessities of a Government or an Opposition may throw great power into the hands of a party hostile to the Church's interests.

“It must be borne in mind that the possibility of danger to the Church from the mixed composition of Parliament was foreseen at the time when the Act of Union with Scotland gave a formal recognition to the admission of Presbyterians. In 1706 an Act was passed, 5 Anne, c. 5, intituled ‘An Act for securing the Church of England as by law established,’ which was afterwards incorporated in the Act of Union of the same year, 5 Anne, c. 8. This Act provides (1) ‘That all and singular Acts of Parliament now in force for the establishment and preservation of the Church of England, and the doctrine, discipline, and Government thereof shall remain and be in force for ever;’ (2) ‘That the successors to the Crown shall take an oath to maintain the settlement of the Church of England.’ It need hardly be

said that such precautionary enactments are not to be depended upon, for no Parliament is likely to hold itself bound by such declarations of previous Parliaments. But it is worth noting, that at the date of the Act of Union it was distinctly recognised that the change then made introduced an element of danger to the Church of England which required to be guarded against. Churchmen can hardly be blamed if they feel that the addition of Jews, Roman Catholics, and Dissenters of all denominations, has made Parliament less and less fit to discuss the details of Church questions. If there was danger in 1708, is there not danger in 1878? The constitutional right of the Legislature is not disputed, but it does not seem too much to ask that, in the exercise of that right, the Legislature should have regard to the altered circumstances of the times.

“The growth of an interest in Church questions on the part of the lay members of the Church of England. The hearty, loyal Churchmanship of English laymen, is one of the most encouraging signs of the revival of Church life. In the parochial council, in the rural deanery and the diocesan conference, in the Church Congress, the layman takes his part. He not only claims a right to be heard, but shows that he is well qualified to be listened to. He cannot regard Parliament as representing the laity of the Church, either in theory or practice; he cannot be any longer satisfied with the Crown only as their representative. Some adequate means must be devised for giving authoritative expression to the voice of the Church laity.”

XVII.

What are some of the modifications proposed by the Committee of the Lower House of Convocation, and which it seems desirable should be obtained in “the Legislative action of Church and State?”

“(i.) That there should be no further delay in making an increase in the number of elected Proctors, as again and again

recommended by the Lower House; that the number of sessions held in each year should be considerably increased; both which changes the committee trust will be carried out by the action of his Grace the President.

"(ii.) That provision be made for giving to the laity of the Church of England an opportunity of expressing their judgment upon all schemes of Church legislation which may originate in the Convocations, or be submitted to the Convocations by the Crown.

"Several schemes have been proposed for this purpose; some involving Legislative action; others which, however effective, are in their nature voluntary and informal. (i.) That a provincial or national conference of clergy and laity should be established, on the model of the diocesan conferences. (ii.) That such questions as fall into the category of things not necessarily spiritual should, by arrangement of the Bishops, be debated simultaneously, or in the course of the year, by the diocesan conferences of clergy and laity in every diocese; and that returns of the results of such debates be made to an officer of each Convocation, tabulated and presented to the Houses of each Convocation at their respective meetings.* (iii.) That a Provincial House of Laymen be formed, by election from the laity of the diocesan conferences, to discuss such questions.

"The Lower House has already given attention to this subject. In 1872 a committee on lay co-operation presented a report. In 1877 the House passed the two following resolutions:—

1. "That it is most desirable that this Convocation, without any disturbance of its ancient constitution, should provide for consultation with some recognised body of the laity."

2. "That, in the opinion of this House, it would be for the advantage of the Church that a Provincial House of Laymen should be formed, to be convened from time to time by the Archbishop, and to be in close communication with the synod; who shall always be consulted before application is made to the Crown or to Parliament to give legal effect to any act of the synod. The laymen to be elected by the lay members of each diocese in diocesan conference; and the house of laymen to bring before the provincial synod any matters ecclesiastical in their judgment requiring consideration, by means of petition to his Grace the President."—(*Chron. of Conv.*, 1877, p. 157.)

“The committee, therefore, do not think it desirable for them to enter into any comparison of the advantages and disadvantages of the three schemes above mentioned.

“It should be borne in mind that the Crown possesses constitutionally the power of obtaining advice by the machinery of a Royal Commission.

“(iii.) That, inasmuch as there will be, from time to time, proposals of legislation affecting the ceremonial of the Church, which cannot profitably be debated in Parliament, but must nevertheless be submitted to Parliament, it is most desirable that some method should be adopted by which Parliamentary sanction may be given to resolutions of the Convocations without going through the forms ordinarily necessary for the making of an Act of Parliament.

“This matter was brought before the Lower House in February, 1878, and in May of the same year the House, by its vote, approved the draft bill, which provided that, when it was proposed to make any alterations in the ceremonial of the Church, a scheme of such alterations, having been agreed upon by both Convocations, should be laid before Her Majesty in Council, and then laid on the tables of both Houses of Parliament; that, if no address were presented by either House of Parliament within forty days, Her Majesty should make an order ratifying the said scheme; that, upon the publication of such order in the *London Gazette*, the scheme should have the force of law.

“(iv.) That, in the case of ecclesiastical legislation originating in Parliament, care should be taken that the constitutional rights of the Church be not infringed. It is too much to expect that Parliament will relinquish its claims to originate legislation in ecclesiastical matters when it so pleases, even though it should allow changes in ceremonial agreed to by the Church to have the force of law agreed to by tacit consent. Nor is it likely that Parliament will tie its hands by any resolution requiring it to consult the Convocations. The committee are of opinion that the rights of the Church must be guarded in two ways:—Firstly, by the action of the Bishops in the House of Lords, whose

voice, if it be firm and united, will hardly be resisted, and who may well claim the postponement of hasty legislation until the Convocations have been consulted ; secondly, by the Convocations addressing the Crown with the prayer that letters of business may be issued authorising them to consider and report upon any proposed ecclesiastical legislation."

XCIH.

What alterations are proposed relative to judicial matters in Ecclesiastical Courts ?

"The attention of the committee has been especially turned to the Public Worship Regulation Act. They are of opinion that the peace of the Church will be promoted by such an amendment of that Act as shall keep the jurisdiction created by it entirely distinct from the old jurisdiction of the provincial courts. This would be accomplished by restoring the offices of the judges of the provincial courts as they existed before the passing of the Act. The accumulation of difficulties in the working of the Act is so great that the committee consider it wiser to await the course of events than to offer any further opinion as to how they may be removed.

"As regards the Court of Final Appeal, the committee feel that it is easier to find fault with the composition of the present court than to suggest a better. The feeling of the clergy generally is, no doubt, unfavourable to the Episcopal Assessors, and the committee are, on the whole, of opinion that the court, being essentially a lay court, loses rather than gains in weight by their presence, especially as it is not known what is their exact function, and what opportunities they have for influencing a decision for which, however, they are not openly responsible. There is also a strong feeling of objection to the practice of the present court in regard to the delivery of judgment, when the Judges disagree, by the President alone, and not by the Judges *seriatim*. A still greater objection lies against the requirement of secrecy, which it has been recently proposed

to enforce upon the members of the court, a requirement which seems to be a revival of one of the practices of the Star Chamber, least accordant with the prevalent tone and feeling of the day.

"Objection is frequently made to the jurisdiction exercised by the Judicial Committee in cases which are either distinctly doctrinal or involve points of doctrine. The committee offer no recommendation on this subject, for, whatever may be the constitutional position of the present Court of Appeal, it is difficult to see how any arrangement for deciding questions of heresy can be really satisfactory which does not, in some way, enable the Church, in her corporate capacity, to deal with new forms of error as they arise."

XCIV.

What modifications are proposed with reference to the appointment of Bishops?

"The committee are not prepared to advocate any radical change in the present mode of appointing Bishops. Though conscious of the anomalies of the present system, they believe that it could not be widely departed from without involving great inconveniences. They think, however, that it would be in every way desirable that those parts of the system which are now mere empty forms should have restored to them something of their original reality.

"It is therefore recommended:—

"(1.) That section 7 of 25 Henry VIII., c. 20, which inflicts the pains and penalties of *Præmunire* in the case of any hesitation to elect, confirm, or consecrate the persons named in Letters Missive should be repealed.

"(2.) That when Congé d'Elire and Letters Missive are sent to the Dean and Chapter, the name of the person nominated should be also sent to the Archbishop of the province, to be by him communicated to his suffragans. That it should be their right to address the Crown collectively, if they should have ground of objection to the person nominated.

“(3.) That the Dean and Chapter should have the right to present a memorial to the Crown representing their grounds of objection, if any, to the election of the person nominated.

“(4.) That, in the event of the election having been made, it should be the right of all persons not only to appear when summoned on the occasion of the confirmation of the election, but also to be heard if they have any objection to allege. That the Archbishop should, unless he should consider the objection frivolous, defer the confirmation until the said objection shall have been reported to the Crown.

“(5.) That the Crown, having received the objections, if any, of the Comprovincial Bishops, or of the Dean and Chapter, or of the opposers at the confirmation, should either allow the objections, and cancel the appointment, or proceed to carry out the proposed appointment by means of Letters Patent.

“Thus it will be seen that, if an unacceptable person were at last forced upon a diocese, it would be by a direct exercise of Royal Prerogative for which the Church would not be responsible—except indeed for his consecration. But here there would be one further safeguard. By the repeal of the penalties of *Premunire* as applying to this case, the united Bishops would have the power of absolutely excluding an unfit person, if three of their number could not be found to join in the act of consecration.

“That this would be an unconstitutional limitation of the Royal Prerogative can hardly be thought by any who bear in mind that the *Institution of a Christian Man*, published by authority of Henry VIII., contained these words:—

Unto the Priests or Bishops belongeth, by the authority of the Gospel, to approve and confirm the person which shall be, by the King's Highness, or the other patrons, so nominated, elected, and presented unto them to have the cure of these certain people within this said parish or diocese, or else to reject him for his demerits and unworthiness.

“It is in the highest degree improbable that a case would occur in which the nominee of the Crown would be rejected. The fact that such a rejection was possible might exercise a

salutary influence upon the nomination itself. By some such system as that here recommended the prerogative of the Crown would not be unduly infringed, while the Church would have restored to her a portion at least of her rights in the appointment of her Bishops.

“In the case of sees where there is no Dean and Chapter, it might be sufficient that the name of the person to be appointed should be communicated to the Archbishop and Bishops of the province, and that the Letters Patent should not be issued until at least one month had elapsed after the name had been so communicated.

“In conclusion, the committee desire to express their conviction that improvement in the relations of Church and State will be best promoted by a loyal recognition of the present state of those relations, joined to a firm and persistent, but temperate, effort for their amendment.”

XCV.

Has the Report of the Committee been submitted to Convocation and with what result?

The following resolutions founded on the Report and appended to it, were moved by the chairman of the committee :—

“1. That in the opinion of this House it is desirable that, when any legislative measures are proposed affecting the doctrine, worship, discipline, or property of the Church of England, or the relation of the authorities ecclesiastical and civil, Her Majesty should issue Royal Letters of business, commanding the Convocations to consider and report upon the proposed measures.

“2. That this House, having regard to the past history of the Church of England, and the recognition by the Convocations of the Royal Supremacy ‘over all persons in all causes as well ecclesiastical as temporal,’ is of opinion that the Crown may constitutionally receive appeals from the ecclesiastical courts, to be heard in the Queen’s Court of Final Appeal.

“3. That this House is of opinion that the judgment of the

Court of Final Appeal should, in all cases in which the Judges disagree, be delivered, not by the President alone, but by the Judges *seriatim*.

"4. That this house approves the recommendation of the committee with respect to the amendment of the Public Worship Regulation Act—viz., that the Act should be so amended as to keep the jurisdiction created by it entirely distinct from the old jurisdiction of the provincial courts.

"5. That this House approves the following recommendations of the committee with respect to the appointment of Bishops:—

(i.) That section 7 of 25 Henry VIII., c. 20, which inflicts the pains and penalties of *Præmunire* in the case of any hesitation to elect, confirm, or consecrate the person named in Letters Missive, should be repealed.

(ii.) That when *Congé d'Elire* and Letters Missive are sent to the Dean and Chapter, the name of the person nominated should be also sent to the Archbishop of the province, to be by him communicated to his suffragans. That it should be their right to address the Crown, collectively, if they should have ground of objection to the person nominated.

(iii.) That the Dean and Chapter should have the right to present a memorial to the Crown, representing their grounds of objection, if any, to the election of the person nominated.

(iv.) That, in the event of the election having been made, it should be the right of all persons to appear when summoned on the occasion of the confirmation of the election, and to be heard if they have any objection to allege. That the Archbishop should, unless he should consider the objection frivolous, defer the confirmation until the said objection shall have been reported to the Crown.

(v.) That the Crown, having received the objections, if any, of the provincial Bishops, or of the Dean and Chapter, or of the opposers at the confirmation, should either allow the objections, and cancel the appointment, or proceed to carry out the proposed appointment by means of Letters Patent.

(vi.) That in the case of sees where there is no Dean and Chapter the name of the person to be appointed should be communicated to the Archbishop and Bishops of the province, and that the Letters Patent should not be issued until at least one month shall have elapsed after the name has been so communicated.*

* These resolutions appended to the Report were submitted to the consideration of Lower of Convocation on the 23rd of February, when the Report was referred back to the Committee, and further discussion on the subject was adjourned till its next Session.

XCVI.

But in addition to the foregoing proposals for the readjustment of the present relations between Church and State, is not some immediate measure required to give the Church more power and liberty in dealing with the frequently arising questions as to Rites and Ceremonies?

No doubt. A draft Bill of such a measure has been already prepared by the Bishop of Carlisle, which has been unanimously adopted by the Northern Convocation. It is intituled "A Bill to provide facilities for the amendment from time to time of the rites and ceremonies of the Church of England." It runs as follows:—

"Whereas it is expedient that, while the faith and doctrine of the Established Church of England remain unaltered, increased facilities should be given for the regulation from time to time of the rites and ceremonies of the said Church, as the changes of circumstances may seem to require.

"Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

"1. This Act may for all purposes be cited as 'The Rites and Ceremonies Act, 1879.'

"2. This Act shall extend to that part of the United Kingdom called England, and to the Channel Islands, and to the Isle of Man.

"3. The Presidents, and other the Bishops and Clergy of the Convocations of the provinces of Canterbury and York (by and with the authority of the Queen's Majesty, signified to them in such manner as Her Majesty shall see fit) may, from time to time prepare, and lay before Her Majesty in Council a scheme for making such alterations in, and additions to, the rubrics and directions contained in the Book of Common Prayer, and for

providing such additional services and prayers to be used in public worship, as may, from time to time, seem to them to be required. Provided that no such scheme as aforesaid shall be laid before Her Majesty in Council unless or until the same shall have been agreed to by each of the two Convocations aforesaid, and be certified to Her Majesty the Queen under the hands and ecclesiastical seals of the Presidents of both the said Convocations.

“ 4. When any such schemes as aforesaid shall have been laid before Her Majesty in Council, the same shall forthwith, if Her Majesty shall see fit, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not sitting, then within twenty-one days after the beginning of the then next ensuing session of Parliament.

“ 5. In case either House of Parliament shall, within forty days after any such scheme as aforesaid shall have been laid before such House, present an address to Her Majesty, praying Her Majesty to withhold her consent from such scheme, no further proceedings shall be had with respect to such scheme, during the then session of Parliament.

“ 6. In case neither House of Parliament shall, within the said period of forty days, present such an address to Her Majesty as aforesaid, it shall be lawful for Her Majesty in Council to make an order to ratify the said scheme, and specifying the time when it shall take effect.

“ 7. In any order made by Her Majesty in Council under the authority of this Act, it shall be sufficient to refer to this Act without reciting any of the provisions of this Act.

“ 8. Every such order shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette*; and as soon as any such order shall be so gazetted, it shall, in all respects, and as to all things therein contained, have and be of the same force and effect as if the same were included in and enacted by this Act.

“ 9. In all editions of the said Book of Common Prayer, the rubrics, directions, and additional services and prayers shall be

printed according to the amendments made under the authority of this Act, and all Acts of Parliament relating to the Book of Common Prayer shall be construed to refer to such book so printed.

“10. A copy of every order of Her Majesty in Council made under this Act shall be laid before each House of Parliament within forty days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within twenty-one days after the beginning of the next ensuing session of Parliament.

“11. Nothing in this Act contained shall be construed to repeal or alter the Act (25. Henry VIII. c. 19) commonly known as ‘The Act of the Submission of the Clergy,’ or any part thereof.”

XCVII.

Are there any probable grounds for believing that the Crown and Parliament will entertain such proposals as the foregoing?

As to the probability of Parliament coming to such an arrangement with the authorities of the Church, with reference to such or some other kindred proposals, Lord Selborne says:—
 “The system of the Church has never shown greater elasticity and expansive power than in these days;” and further, “If to some it may appear desirable that facilities should be given for the regulation and modification of some matters which are now fixed by ecclesiastical law, without necessarily bringing them for discussion before Parliament, there is no reason to suppose that Parliament would refuse to consider any prudent and well-devised scheme for that purpose, which might be recommended by the authorities of the Church, and framed on principles consistent with the Queen’s supremacy. I am not aware of any recent measure for the benefit of the Church, which has not received a fair and respectful consideration from Parliament.”

It is we think not too much to say, such a deliberately expressed opinion, coming from so eminent an authority, who

has held the distinguished position of Lord Chancellor, is most encouraging to all earnest Churchmen, unitedly and earnestly to persevere in their efforts, with prudence of method, and moderation of spirit, until they succeed in bringing about that fair re-adjustment of the relations between Church and State, which, whilst securing to the Sovereign and Parliament their just prerogatives and power with respect to the final sanction of all proposed ecclesiastical measures, will at the same time ensure to the Church more definite freedom of deliberation and liberty of action within her strictly spiritual sphere.

This, after all, would only be the true idea of union between Church and State; and would restore that equilibrium in the exercise of their respective powers, from which, in the course of long years, and in the midst of many changes, there has been a gradual, though it may have been an unintentional departure.

Such a modification of the relations between Church and State, would not be much for the Sovereign and Parliament to concede, but would be a great boon for the Church to receive; and would be of incalculable benefit in more distinctly emphasizing her spiritual identity, and in enabling her, without encountering Legislative impediments in detail, to adapt her organization and services to the varying wants of the time.

If the clergy and laity will, in their several spheres, faithfully represent, not parties, but the *Church of England*; if they will sink minor differences, and on all sides endeavour to suppress the litigious spirit which to such an extent has lately disturbed the people of the Church; if they will earnestly give themselves to the work of enlarging the Church's borders, remedying her defects, reforming her abuses, and adapting her varied ecclesiastical machinery to the spiritual wants of the day; we believe that the Church will not only in due time obtain all that is desired in the shape of re-adjustment in the relations between herself and the State, and all necessary liberty in the matter of amending rites and ceremonies, but she will also more firmly establish herself in the convictions and affection of the people of England, as their ancient historical National Church; and will be

able from this growingly secure impregnable fortress to look down with undisturbed calm at the futile sapping and mining of her opponments, who seek to dislodge her from her time-honoured position as the National Established and Endowed Church of England.

APPENDIX.

THE following are specimens of some of the Cases of religious bodies outside the Church which have been brought before the State Court of Chancery :—

“ In the case of ‘*Broome v. Summers*,’ 1840, the question was whether the minister and members of a Presbyterian Congregation, worshipping in a Chapel erected in connection with a given Presbytery, were at liberty to retain the use of the Chapel and premises, notwithstanding that they had separated from the said Presbytery, though they had not departed from their original doctrine or religious observances. The Court held that they had no right to retain the property, and gave judgment against the minister and the members of the Congregation who supported him.*

“ In the case of ‘*The Attorney-General v. Bunce*,’ April, 1868, the question was whether a Chapel and Endowments originally belonging to the Presbyterians, but which for some years had fallen into the hands of the Baptists, could by the latter, be retained for their use. The Court held that although the Chapel and Endowments were undoubtedly of Presbyterian origin, still as there were no specific provisions in the Will of the Founder, or in any Trust Deed, setting forth conditions of tenure, what the doctrine to be taught and the religious practices to be observed really were, they must, under the Dissenters’ Chapel Act of 1844, be gathered from the last twenty-five years; and as the Baptists had been twenty-five years in possession, judgment would be given for them.†

“ In the case of ‘*Cooper v. Gordon*,’ May, 1869, the question was whether an Independent community had an arbitrary right, by a majority of votes of its members, to dismiss its minister. The minister in question had not for some time previously given satisfaction to his congregation. They complained that his sermons were read, and were too argumentative; and by a majority of votes of the communicants he was dismissed from office. The Court held that in the absence of a specific restriction in the Trust Deed it must be presumed that the communicants and those of the trustees acting with them had the power which they claimed and had exercised, and therefore the dismissal of the minister would be confirmed.‡

“ Baptist Chapel at Norwich, 1860. April 30, May, 1-2-23. The Trusts

* Simon's Reports, vol. xi., page 352.

† See Law Reports, vol. vi., Equity, page 563,

‡ See Law Reports, vol. viii., Equity, page 249.

of the Chapel were 'For the use and benefit of a Congregation of Particular Baptists.' The congregation were divided as to the practice of strict and open communion. On an information and bill to restrain the practice of free communion in the Chapel, the Court, on the evidence, came to the conclusion that in the absence of anything to the contrary in the Trust Deed, each Congregation of Particular Baptists had a right to regulate its own practice, except as to essential and fundamental doctrines of their faith. That the practice in dispute (not being set forth in the Trust Deed) was not one of that character, but was an open question, and that the majority of full members might, notwithstanding a contrary usage since 1846, alter the practice in respect of communion, and adopt the practice of free communion, or of strict communion, as they should from time to time think fit to determine. Usage is only important where there is an absence of any instrument of endowment, or where the words of the instrument produced are ambiguous. In such cases, uses constitutes presumptive evidence of the Trusts on which the charity was established; but when the deed of foundation is produced, and is precise, that presumption is excluded." *

A French Protestant Church in London was founded in 1550 by Letters Patent of the Crown. The pastor, when elected, was presented to and approved and instituted by the Crown. The governing body had, apart from the charter of incorporation, funds impressed with a Trust in favour of the pastor. The governing body dismissed the pastor. The Court held that notwithstanding the right of the Crown as visitor, the Court had jurisdiction to see to the performance of the Trust, and to determine on the validity of the dismissal of the minister; and the Court having come to the conclusion that it was, not justifiable, granted an injunction to restrain the governing body from hindering the pastor in the exercise of his office. A visitor visits the corporation with respect to corporate matters, but that circumstance did not remove from the Court the jurisdiction or obligation to exercise its functions of enquiry *whether the duties, so far as there was a Trust to perform, had been properly exercised.* †

Did space allow, numbers of cases could be added to the above, in which were involved all manner of theological and religious questions, affecting the conscientious beliefs, the religious practices, and the ecclesiastical interests of ministers and members of religious bodies who think themselves free from State control, but which were brought before and decided by the Staté Law Courts.

* Beavan's Reports, vol. xxviii., page 485. † Beavan's Reports, vol. xxviii., page 233.



